

No. 14-7312 & 14A569,

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IN THE  
SUPREME COURT OF THE UNITED STATES

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SCOTT LOUIS PANETTI,  
Petitioner,

v.

STATE OF TEXAS,  
Respondent.

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On Petition for Writ of Certiorari to the  
Court of Criminal Appeals of Texas

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**PROOF OF SERVICE**

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I hereby certify that on the 2nd day of December, 2014, a copy of **Respondent's Brief in Opposition to Petition for Writ of Certiorari and Application for Stay of Execution** is being sent by email delivery to: [gregory.wiercioch@wisc.edu](mailto:gregory.wiercioch@wisc.edu) and [kmkase@texasdefender.org](mailto:kmkase@texasdefender.org). All parties required to be served have been served. I am a member of the Bar of this Court.



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**BRIEF IN OPPOSITION TO  
PETITION FOR WRIT OF CERTIORARI AND  
APPLICATION FOR STAY OF EXECUTION**

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**QUESTION PRESENTED**

Petitioner Scott Panetti waited sixteen years after his death sentence became final to raise a claim that the Eighth Amendment prohibits the execution of the mentally ill. In the interim, he brought four state and three federal postconviction challenges to his death sentence. Yet only now, at the eleventh hour, does he advance the claim for the first time with no previously unavailable facts or law as support.

Does the lower court's dismissal of his claim as an abuse of the writ, without considering its merits, based on an independent and adequate state law ground, deprive this Court of jurisdiction to stay his execution or grant a writ of certiorari? Moreover, should the Court ignore this jurisdictional hurdle to review a claim based upon virtually no evidence of an evolving consensus against executing the mentally ill and where the law already provides multiple avenues for relief?

**BRIEF IN OPPOSITION TO  
PETITION FOR WRIT OF CERTIORARI AND  
APPLICATION FOR STAY OF EXECUTION**

Scott Louis Panetti is scheduled for execution after 6:00 p.m. on December 3, 2014, for the capital murders of Joe and Amanda Alvarado. Twice Panetti was provided with counsel, experts, and a live hearing and was found competent to be executed in federal court. At the eleventh hour, Panetti contends this Court should stay his execution and hold that the Eighth Amendment prohibits the execution of mentally ill offenders. But Panetti raised this constitutional claim for the first time in his fourth application for habeas corpus relief to the Court of Criminal Appeals of Texas (CCA). The CCA dismissed the application as an abuse of the writ without considering its merits pursuant to Tex. Code Crim. Proc. Art. 11.071, § 5. Certiorari review is now foreclosed because the state court's disposition of Panetti's claim relied upon an adequate and independent state procedural ground. In addition, Panetti's underlying claims are meritless. Thus, neither certiorari review nor a stay of execution is appropriate under the circumstances.

## JURISDICTION

As explained below, this Court lacks jurisdiction because the state court dismissed Panetti's habeas application without considering its merits based upon an independent and adequate state procedural ground.

## STATEMENT OF THE CASE

### I. Facts of the Crime

After two years in an abusive marriage, Sonja Panetti grew tired of her husband's drinking and decided to leave. *Panetti v. Cockrell*, 73 Fed. App'x 78 (June 19, 2003). She took their three-year-old daughter and moved in with her parents, who lived nearby in Fredericksburg, Texas. *Id.* Three weeks later, after several abusive visits from Scott Panetti, Sonja secured a restraining order against him. *Id.* This enraged him. *Id.* He asked a friend to take his dog because he was going somewhere, drank a bottle of whiskey, armed himself with a shotgun and a .30-06 hunting rifle, and drove to his in-laws' house. *Id.*

Panetti broke the glass in a sliding door near Sonja's bed with the shotgun and cornered Sonja and her parents in the kitchen. *Panetti v. State*, No. 72,230 (Tex. Crim. App. Dec. 3, 1997). He asked Sonja who she wanted to see die first: her or her parents. *Id.* Not waiting for an answer, he shot her father in the chest, at close range, with the hunting rifle. *Id.* The noise drew Panetti's three-year-old daughter into the kitchen. *Id.* Panetti turned the

hunting rifle on Sonja's mother and, despite pleas from everyone present, pressed the rifle against her chest and pulled the trigger. *Id.* Sonja and her daughter were sprayed with blood.

Panetti forced his wife and daughter into his Jeep and drove them to a cabin he had been living in since the separation. *Id.* When Sonja asked to go check on her parents, Panetti responded, "I just shot your parents. No more mommy, no more daddy; get that through your head." *Id.* He told Sonja the murders were her fault, accusing her and her parents of betraying him. *Id.* He then forced her to read the protective order aloud, repeating herself any time she skipped a part, while he reloaded the .30-06 rifle. *Id.* He eventually let his wife and daughter go free, suggesting that he would die in a shootout with the police. Instead, he was arrested without further incident. *Id.*

## **II. Course of Proceedings and Disposition Below**

A Gillespie County jury found Panetti guilty of capital murder for murdering his wife's parents with a deer rifle and sentenced him to death. The CCA affirmed Panetti's conviction and sentence, and this Court denied a petition for writ of certiorari. *Panetti v. State*, No. 72,230 (Tex. Crim. App. Dec. 3, 1997), *cert. denied*, 525 U.S. 848 (Oct. 5, 1998). Panetti's state application for writ of habeas corpus was later denied by the CCA based upon the trial court's findings of fact and conclusions of law. *Ex parte Panetti*, No. 37,145-01

(Tex. Crim. App. May 20, 1998). Among the issues Panetti raised on direct and collateral review was his competency to stand trial and to waive counsel.

Panetti turned to the federal courts, filing a federal habeas petition that was rejected by the district court, *Panetti v. Johnson*, No. A-99-CV-260-SS (W.D. Tex. 2001), and by the Fifth Circuit, *Panetti v. Cockrell*, 73 Fed. App'x 78 (June 19, 2003). This Court again denied a petition for writ of certiorari. *Panetti v. Dretke*, 540 U.S. 1052 (2003).

A few months later, the state trial court set an execution date for February 5, 2004, upon the motion of the district attorney. *Ex parte Panetti*, No. 74,868 (Tex. Crim. App. Jan. 28, 2004) (per curiam). Panetti argued for the first time that he was incompetent and that his execution would violate the Eighth Amendment as interpreted in *Ford v. Wainwright*, 477 U.S. 399 (1986). *Ex parte Panetti*, No. 74,868. The state court rejected his argument without a hearing, and the CCA held that it had no jurisdiction to review that order. *Id.*

Panetti returned again to federal court, filing a second federal habeas petition that raised a *Ford* claim and sought a stay of execution. The federal district court granted a stay to "allow the state court a reasonable period of time to consider the evidence of Panetti's current mental state." Order, *Panetti v. Dretke*, No. A-04-CA-042- SS (W.D. Tex. Feb. 4, 2004). The state habeas court appointed a psychiatrist and a clinical psychologist to evaluate Panetti. They

filed a joint report, concluding that Panetti knew that he was going to be executed and knew why he was going to be executed. *Id.* Based on that report, the state habeas court held that Panetti was competent to be executed. The state court never held a competency hearing.

Panetti returned again to federal district court. The court held that the state court's refusal to hold a competency hearing at which Panetti could present his own evidence was a violation of due process. *Panetti v. Dretke*, 401 F. Supp.2d 702 (W.D. Tex. 2004). The federal court then held its own competency hearing. *Id.* After hearing testimony from the State's experts and from four of Panetti's court-appointed experts, the trial court held that Panetti was competent to be executed under the Fifth Circuit's decision in *Barnard v. Collins*, 13 F.3d 871 (5th Cir. 1994) (holding that *Ford* is satisfied where the condemned "knew that he was going to be executed and why he was going to be executed"). *Id.* The Fifth Circuit affirmed. *Panetti v. Dretke*, 448 F.3d 815 (5th Cir. 2006).

This Court reversed, holding that the Fifth Circuit's competency standard was inadequate, and remanded the case for further factual development and application of a new standard. *Panetti v. Quarterman*, 551 U.S. 930 (2007). Following a second evidentiary hearing, with testimony from experts, prison guards, inmates, and a chaplain, the federal district court again



rejected Panetti's claim that he was incompetent to be executed, but granted a COA. *Panetti v. Quarterman*, 2008 W.L. 2338498 (W.D. Tex. Mar. 26, 2008). Panetti timely filed a notice of appeal and his case was docketed. *Panetti v. Quarterman*, No. 08-70015 (5th Cir.).

On June 19, 2008, this Court decided *Indiana v. Edwards*, 554 U.S. 164 (2008), which held that the Constitution does not forbid states from insisting upon court-appointed counsel for those who are competent to stand trial but suffer from mental illness so severe that they are not competent to conduct trial proceedings by themselves. On Panetti's motion, the Fifth Circuit stayed and abated his appeal to allow him to pursue an *Edwards* claim in state court. *Panetti v. Quarterman*, No. 08-70015 (5th Cir. Dec. 17, 2008). Panetti raised his *Edwards* claim in a successive state habeas petition on June 16, 2009. On October 21, 2009, the CCA dismissed his *Edwards* claim as an abuse of the writ under Article 11.071, § 5 of the Texas Code of Criminal Procedure. *Ex parte Panetti*, No. 37,145-02 (Tex. Crim. App. Oct. 21, 2009).

Panetti returned again to federal court, seeking to raise his *Edwards* claim in a third federal habeas petition. See 28 U.S.C. § 2244(b)(3). The Fifth Circuit granted his application to file a successive petition, see Order, *In re Scott Panetti*, No. 09-50960 (5th Cir. Jan. 6, 2010), and then Panetti filed the amended successive petition in federal district court. A few months later,

the CCA decided *Chadwick v. State*, 309 S.W.3d 558 (Tex. Crim. App. 2010), addressing the meaning of *Indiana v. Edwards*, and Panetti asked the federal district court to again stay his federal habeas proceeding so he could return again to state court. The district court granted the motion on July 1, 2010. *Panetti v. Thaler*, No.1:09-cv-00774, Order.

Panetti reasserted his *Edwards* claim in another successive state habeas petition, which the CCA dismissed on December 15, 2010 as an abuse of the writ. *Ex Parte Panetti*, 326 S.W.3d 615 (Tex. Crim. App. 2010). More than six months later, this Court denied a petition for writ of certiorari. *Panetti v. Texas*, 131 S. Ct. 3027 (2011).

Panetti returned again to federal district court. Panetti filed a response to the State's motion for summary judgment, which had been on file for almost two years. On January 31, 2012, the district court granted the State's motion for summary judgment, denied habeas relief, and issued a COA on two additional issues. *Panetti v. Thaler*, No.1:09-cv-00774, 2012 U.S. Dist. LEXIS 11724, Order. Panetti timely filed notice of appeal. The Fifth Circuit affirmed the lower court's decisions in regard to both competency and the self-representation claim. *Panetti v. Stephens*, 727 F.3d 398 (5th Cir. 2013). This Court denied certiorari on October 6, 2014. *Panetti v. Stephens*, 190 L. Ed. 2d 52 (2014).

Panetti's execution date was reset by the trial court for December 3, 2014. On November 1st, counsel for Panetti overnighted an emergency motion for hearing in the state trial court asking the court to withdraw or modify the date. This was followed by several related motions including motions for discovery and appointment of counsel. On November 6, 2014, the trial court denied the motion. Later the same day the trial judge held a telephone hearing. On November 12, the judge denied a renewed motion to withdraw or modify the date. On November 14th, Panetti's counsel filed yet another motion to modify or withdraw the date and for appointment of counsel and later filed a supplement to the motion. The judge denied the renewed motions and the supplement on November 19, 2014. Panetti filed a notice of appeal and then filed a motion for stay of execution and a brief for his appeal with the CCA. The CCA dismissed the appeal for lack of jurisdiction. *Panetti v. State*, AP-77,049 (Opinion) (Tex. Crim. App. November 25, 2014).

In a separate proceeding Panetti filed a subsequent state habeas petition arguing that a national consensus has developed against executing the mentally ill. The CCA dismissed that petition as an abuse of the writ. *Ex parte Panetti*, No. 37,145-04 (Tex. Crim. App. November 26, 2014). Panetti now petitions this Court for review.

Panetti also filed a motion to stay his execution in federal district court with motions for appointment of counsel and for expert funding. The court assumed without deciding it had jurisdiction and denied the motions. *Panetti v. Stephens*, A-04-CA-42-S, Ord. ECF No. 182 (W.D. Tex. Nov. 26, 2014).

Panetti has appealed and filed a brief in the Fifth Circuit. Panetti has also filed an original petition for writ of habeas corpus with this Court.

### **REASONS FOR DENYING THE WRIT**

The question presented for review is unworthy of the Court's attention. The Rules of the Supreme Court provide that review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for "compelling reasons." Sup. Ct. R. 10 (West 2014). Panetti advances no compelling reason in this case, and none exists. Indeed, the issue in this case involves only the lower court's proper application of state procedural rules for collateral review of death sentences. The state court's disposition, which relied upon an adequate and independent state procedural ground, forecloses a stay of execution or certiorari review. Specifically, Panetti was cited for abuse of the writ because he did not meet the subsequent application requirements of Texas Code of Criminal Procedure Article 11.071, Section 5(a). Additionally, Panetti appeals from the dismissal of state habeas proceedings but fails to demonstrate

that any aspect of those proceedings violated the Constitution. As Justice O'Connor described the role of state habeas corpus proceedings:

A post-conviction proceeding is not part of the criminal process itself, but is instead a civil action designed to overturn a presumptively valid criminal judgment. Nothing in the Constitution requires the States to provide such proceedings . . . nor does it seem to me that the Constitution requires the States to follow any particular federal model in those proceedings.

*Murray v. Giarratano*, 492 U.S. 1, 13 (1989) (O'Connor, J., concurring).

Thus, Panetti's petition presents no important questions of law to justify this Court's exercise of its certiorari jurisdiction.

**I. Certiorari Review and a Stay of Execution Are Foreclosed by an Independent and Adequate State-Procedural Bar.**

Certiorari review of Panetti's claims is foreclosed because the state court's disposition relies upon an adequate and independent state-law ground, i.e., the Texas abuse-of-the-writ statute. *See, e.g., Moore v. Texas*, 122 S. Ct. 2350, 2352-53 (2002) (Scalia, J., dissenting); *Emery v. Johnson*, 139 F.3d 191, 195-96 (5th Cir. 1997). This Court has held on numerous occasions that it "will not review a question of federal law decided by a state court if the decision of that court rests on a state law ground that is independent of the federal question and adequate to support the judgment" because "[the Court] in fact lack[s] jurisdiction to review such independently supported judgments on direct appeal: since the state-law determination is sufficient to sustain the

decree, any opinion of this Court on the federal question would be purely advisory.” *Sochor v. Florida*, 504 U.S. 527, 533 (1992); *Michigan v. Long*, 463 U.S. 1032, 1042 (1983). There is simply no jurisdictional basis for granting certiorari review in this case.

Article 11.071, § 5(a) of the Texas Code of Criminal Procedure forbids state courts from considering a prisoner’s successive state habeas application unless:

- (1) the current claims and issues have not been and could not have been presented previously in a timely initial application or in a previously considered application filed under this article or Article 11.07 because the factual or legal basis for the claim was unavailable on the date the applicant filed the previous application;
- (2) by a preponderance of the evidence, but for a violation of the United States Constitution no rational juror could have found the applicant guilty beyond a reasonable doubt; or
- (3) by clear and convincing evidence, but for a violation of the United States Constitution no rational juror would have answered in the state’s favor one or more of the special issues that were submitted to the jury in the applicant’s trial under Article 37.071 or 37.0711.

The CCA concluded that Panetti’s claims failed to meet this standard and dismissed the application “without reviewing the merits” of his claim *Ex parte Panetti*, No. WR-37145-04, Order (Tex. Crim. App. November 26, 2014). Panetti was unable to satisfy § 5(a)(1) because his Eighth Amendment claim

could have been raised and developed in any of his earlier state habeas proceedings.

Panetti was cited for abuse of the writ because he asserted his instant claims in a successive state habeas application. *Ex parte Panetti*, No. WR-37145-04, Order at 2 (*citing* Tex. Code Crim. Proc. art. 11.071, §5(a) (West 2014)). As the court below stated, it did not consider the merits of Panetti's claims. *Id.* Panetti argued that he had put forth sufficient facts to establish by clear and convincing evidence, but for a violation of the United States Constitution, no rational juror would have answered in the State's favor one or more of the special issues that were submitted to the jury in the applicant's trial under Art.11.071, § 5(a)(3) of the Texas Code of Criminal Procedure. Now Panetti contends that this decision necessarily rests upon federal law. But Panetti failed to understand the lower court's order.

Prior to considering the merits of an applicant's claims, the CCA determines whether the applicant has satisfied his gateway burden under § 5(a). "[T]o avoid dismissal under § 5(a), a petitioner must satisfy *both* the state procedural requirement of § 5(a)(1) *and* the federal merits requirements of § 5(a)(2) or 5(a)(3)." *Rocha v. Thaler*, 626 F.3d 815, 833 (5th Cir. 2010); *Maldonado v. Thaler*, 389 F. App'x 399, 405 (5th Cir. 2010) (*citing Ex parte Campbell*, 226 S.W.3d 418, 421 (Tex. Crim. App. 2007)). The requirements of

§ 5(a) are applied sequentially: “[i]f an applicant fails to satisfy the unavailability requirement, the § 5(a)(1) inquiry is over, and no merits determination takes place.” *Rocha*, 626 F.3d at 834.

Although the CCA did not specify in its order dismissing Panetti’s subsequent state application which subsection of Art. 11.071, § 5(a) it applied, it is clear that the dismissal was premised on an adequate and independent state procedural ground because the court specified the decision occurred “without reviewing the merits of the claim.” *Ex parte Panetti*, No. WR-37145-04, Order at 2. This is because the factual and legal bases of his claims were available to Panetti well before he filed his subsequent state application. *Rocha*, 626 F.3d at 839 (“A claim that a prisoner is actually innocent of the death penalty is legally distinct from a claim that a prisoner’s trial counsel was constitutionally ineffective at sentencing. When the CCA rejects the former, it does not simultaneously decide the merits of the latter.”); *Hughes v. Quarterman*, 530 F.3d 336, 342 (5th Cir. 2008) (“The [CCA] did not need to consider or decide the merits of Hughes’s constitutional claims in reaching its decision to dismiss those claims as an abuse of the writ pursuant to Article 11.071, [§] 5. Furthermore, there is nothing in its perfunctory dismissal of the claims that suggests that it actually considered or ruled on the merits. Accordingly, its decision was independent of federal law for purposes of



application of the procedural default doctrine.”). Thus, the CCA did not rule on Panetti’s *constitutional* claim that evolving standards of decency prevent the execution of the mentally ill. *Rocha*, 626 F.3d at 838 (“[A]bsent an express indication otherwise, the CCA assesses the merits of a successive state habeas application only if it first concludes that the factual or legal basis for the claim was unavailable.”).

Because the lower court strictly applied state procedural law in dismissing Panetti’s successive petition as abusive, this Court has no jurisdiction to review the state court’s application of its own law.

**II. Panetti Is Not “Actually Innocent of the Death Penalty” Nor Should This Court Extend the Prohibition Against Execution to the Mentally Ill.**

In 2002, this Court determined in *Atkins v. Virginia*, 536 U.S. 304 (2002), that the Eighth Amendment prohibited the execution of the mentally retarded. A few years later in *Roper v. Simmons*, 543 U.S. 551 (2005), the Court established another categorical exemption from execution for defendants who committed their capital offenses prior to turning eighteen years of age. Panetti now contends that two of the reasons for which the Court implemented these prohibitions — the lessened moral culpability of the defendants and “the evolving standards of decency that mark the progress of a maturing society” — dictate that the execution of the mentally ill should also be prohibited. Pet. at

26-40. Although acknowledging that he does not fall within either *Atkins* or *Simmons*, Panetti asserts that evolving standards of decency require the extension of *Atkins* and *Simmons* to individuals such as himself who suffer from mental illnesses and whose illness relates to the commission of their crime. But every court to have examined this issue has rejected Panetti's assertion and Panetti has not one example of state legislation on this matter. More importantly, Panetti's broad definition of mental illness would undermine the sentences of a majority of the nation's death row inmates.<sup>1</sup>

Panetti has not cited a single example where a court has found that the proscription against executing the mentally retarded has been extended to the greater category of mentally ill defendants. The CCA has previously declined to extend the federal constitution prohibition against the execution of those incompetent to be executed to the greater category of mentally ill defendants.

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<sup>1</sup> According to a recent study cited by popular media approximately 54% of death row offenders had severe mental illness. See Pete Earley, "Don't Execute the Purple Cowboy," USA Today (December 1, 2014), <http://www.usatoday.com/story/opinion/2014/11/30/execute-mentally-ill-purple-cowboy-texas-column/19537399/>

See also Simon McCormack, "The Worst of the Worst' Aren't the Only Ones Who Get Executed," Huffingtonpost.com (July 25, 2014), [http://www.huffingtonpost.com/2014/07/25/who-gets-executed-in-america\\_n\\_5613780.html](http://www.huffingtonpost.com/2014/07/25/who-gets-executed-in-america_n_5613780.html) (last updated July 28, 2014).

*Mays v. State*, 318 S.W.3d 368, 379-80 (Tex. Crim App. 2010). The Fifth Circuit has also consistently held that no such categorical prohibition exists. See *In re Neville*, 440 F.3d 220, 221 (5th Cir. 2006) (finding neither *Atkins* nor *Simmons* created a new rule prohibiting the execution of the mentally ill); *In re Woods*, 155 Fed. Appx. 132, 136 (5th Cir. 2005) (declining to grant a successive habeas petition to consider defendant's alleged mental illness because the new constitutional rule in *Atkins* does not cover mental illness); *ShisInday v. Quarterman*, 511 F.3d 514, 521-22 (5th Cir. 2007) ("[T]his circuit's precedent precludes that argument, unless the petitioner contends he is insane and therefore incompetent to be executed").

In addition, several state courts have expressly declined to extend the *Atkins* ruling to the mentally ill in published opinions. See, e.g., *Malone v. State*, 293 P.3d 198, 216 (Okla. 2013); *Johnston v. State*, 27 So.3d 11, 26-27 (Fla. 2010); *State v. Ketterer*, 111 Ohio St.3d 70, 855 N.E.2d 48 (2006); *Matheney v. State*, 833 N.E.2d 454 (Ind. 2005); *Hall v. Brannan*, 284 Ga. 716, 670 S.E.2d 87 (2008). Others have done so in unpublished opinions. *Coleman v. State*, No. W2007-02767-CCA-R3-PD, 2010 WL 118696 (Tenn. Crim. App. Jan.13, 2010) (not designated for publication); *Johnson v. Comm.*, No.2006-SC-000548-MR, 2008 WL 4270731 (Ky. Sept. 18, 2008) (not designated for publication).

Further, Panetti provides scant evidence to suggest that “evolving standards of decency” actually proscribe executing the mentally ill. As this Court noted in *Atkins*, “the clearest and most reliable objective evidence of contemporary values is the legislation enacted by the country’s legislatures.” 536 U.S. at 312 (quoting *Penry v. Lynaugh*, 492 U.S. 302, 331 (1989)). For example, in *Atkins* the Court could point to Congress as well as nineteen states that had passed legislation prohibiting the execution of the mentally retarded. *Id.* at 314-15. Yet Panetti points only to an unpublished study (which he has not produced) authored by a capital defense attorney to allege that there is a changing national consensus. Panetti’s recitation of the study’s conclusions fails to show a distinction between states which have changed to guilty but mentally insane verdict from the traditional not guilty by reason of insanity in view of the numbers of people not sentenced to death. Without the study, its underlying data, or any evidence that its conclusions are reproducible, it is impossible to credibly assert that there has been change in the national consensus. Indeed, it seems that if such a consensus existed there would be a least one legislative body to have made law in this regard.

Panetti also adds public opinion polls to bolster the weight of his argument. Pet. at 32-33. While this Court permitted their consideration in *Atkins*, Chief Justice Rehnquist dissented noting the inherent unreliability of

such polls without information to conclude whether the polling was scientifically sound:

I write separately, however, to call attention to the defects in the Court's decision to place weight on foreign laws, the views of professional and religious organizations, and opinion polls in reaching its conclusion. See ante, at 2249–2250, n. 21. The Court's suggestion that these sources are relevant to the constitutional question finds little support in our precedents and, in my view, is antithetical to considerations of federalism, which instruct that any “permanent prohibition upon all units of democratic government must [be apparent] in the operative acts (laws and the application of laws) that the people have approved.” *Stanford v. Kentucky*, 492 U.S. 361, 377, 109 S.Ct. 2969, 106 L.Ed.2d 306 (1989) (plurality opinion). The Court's uncritical acceptance of the opinion poll data brought to our attention, moreover, warrants additional comment, because we lack sufficient information to conclude that the surveys were conducted in accordance with generally accepted scientific principles or are capable of supporting valid empirical inferences about the issue before us.

*Atkins*, 536 U.S. at 322 (C.J. Rehnquist dissenting).

Moreover, Justice Thurgood Marshall also noted the limitations of polling data:

While a public opinion poll obviously is of some assistance in indicating public acceptance or rejection of a specific penalty, its utility cannot be very great. This is because whether or not a punishment is cruel and unusual depends, not on whether its mere mention ‘shocks the conscience and sense of justice of the people,’ but on whether people who were fully informed as to the purposes of the penalty and its liabilities would find the penalty shocking, unjust, and unacceptable.

*Furman v. Georgia*, 408 U.S. 238, 361 (1972) (J. Marshall, concurring).

Polling is only as good as its methodology permits: poorly constructed questions, questionable sample sizes, and biased pollsters will all result in nonsensical results. Neither public policy nor constitutional law is suitably based on such untrustworthy foundations. Again, given the lack of legislative or other support for Panetti's proposition of evolving standards of decency regarding the execution of the mentally ill, this Court should reject his dubious evidence of public opinion based on polls of unknown quality.

Importantly, Panetti's proposition fails to delineate a distinction clear in both *Simmons* and *Atkins* in forming a standard for which mentally ill offenders are deserving of the death penalty and which are not. In *Simmons* the line is clear and based on age. Offenders below the age of eighteen are ineligible for the death penalty. In *Atkins* the line is less obvious, but consideration of the crime and the extent of the offender's participation in that crime are factors permitted consideration, as well as objective measures such as psychological testing of IQ and adaptive functioning. Panetti's suggestion that any offender with a history of mental illness that has some tangential relationship to their crime would likely exempt most if not all of those currently on death row.

Panetti forgets that constitutional jurisprudence allows for many different ways to consider mental illness and culpability. An offender must be

competent to stand trial, has the option to plead insanity, and must be competent to be executed;<sup>2</sup> all standards which Panetti could not meet. Indeed, the highly subjective nature of mental illness and the many varieties and degrees of severity are better suited to discrete factual inquiries like the ones listed rather than broad categorical prohibitions.

Finally, the unrestricted nature of the death penalty punishment phase under state law allow defendants to produce any evidence they wish, including evidence of mental illness. As the lower court noted in *Soliz v. State*, 432 S.W.3d 895, 904 (Tex. Crim. App. 2014), “the jurors weighed appellant’s evidence of brain damage and partial fetal-alcohol syndrome along with other relevant evidence and made a normative judgment that the evidence did not warrant a life sentence. . . . [t]his Court will not second-guess the jury’s determination.” Panetti’s latest attempt to have this Court trump the jury’s determination should be rejected.

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<sup>2</sup> Section 8.01 of the Texas Penal Code specifically prohibits the execution of those who at the time of their offense did not, because of severe mental illness, that their conduct was wrong, in that it does not allow that they be held accountable for the underlying offense at all. Article 46.05 of the Texas Code of Criminal Procedure prohibits the execution of the severely mentally ill if due to delusions, the prisoner does not have a factual as well a rational understanding of the causal retributive connection between his crime and his impending death by execution.

Panetti's assertions of an emerging national consensus are conveniently unburdened by evidence. He points to no legislation which has been enacted that prohibits the execution of the severely mentally ill. And Panetti also fails to cite to any court decision which finds that the execution of the severely mentally ill is a violation of the Constitution.

### **III. Panetti's Claim of Severe Mental Illness is Not Persuasive.**

Panetti asserts he has a long history of mental illness. Pet at 5-26. But Panetti omits any mention of his almost equally long history of malingering as well his history of drug use. Moreover, despite Panetti's complaints his condition has deteriorated since conviction, the record fails to support that contention. In short, Panetti's mental health condition has long been exaggerated to his benefit and he continues this long established pattern here.

As far back as the time of trial, Panetti claimed to have multiple personalities. *Panetti v. Quarterman*, 2008 U.S. Dist. LEXIS 107438, \*29 (W.D. Tex. Mar. 26, 2008). Although common in popular culture, Dissociative Identity Disorder has been controversial in the medical community for some time.<sup>3</sup> In fact, the district court specifically found that Panetti's mental health

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<sup>3</sup> Clyde Haberman, *Debate Persists Over Diagnosing Mental Health Disorders, Long After 'Sybil'*, New York Times (Nov. 23, 2014), [http://www.nytimes.com/2014/11/24/us/debate-persists-over-diagnosing-mental-health-disorders-long-after-sybil.html?\\_r=1](http://www.nytimes.com/2014/11/24/us/debate-persists-over-diagnosing-mental-health-disorders-long-after-sybil.html?_r=1)



evaluator noted “It seems like Mr. Panetti may have wanted to impress me with how mentally disturbed he is, perhaps in an exaggerated way.” *Panetti v. Quarterman*, 2008 U.S. Dist. LEXIS 107438 at \*29 (citation omitted). After the trial court ordered further psychiatric evaluation, Panetti regaled the evaluator with tales of his military adventures in Thailand and Cambodia, but as the evaluator noted Panetti’s military record showed that he had never been overseas. This lead the evaluator to state, “I still am of the impression that this man exhibits a personality disorder with narcissistic, impulsive, paranoid, and antisocial features . . . rather than the [diagnosis] of schizoaffective disorder.” *Id.* at \*30. Panetti’s lawyers also moved to determine his competency to stand trial but a jury of his peers found him competent. *Id.* at 31. Further at trial, Panetti (representing himself) claimed he was not guilty by reason of insanity. Yet again, a jury rejected his claims mental illness as a legal defense to his crime. *Id.* at 32-33.

In December of 1995 while incarcerated, Panetti was referred to the Jester IV Crisis Management unit of the Texas Department of Corrections because he “appear[ed] to be delusional and verbalized auditory and visual

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*Dissociative Identity Disorder (Multiple Personality Disorder)*, WebMD, <http://www.webmd.com/mental-health/dissociative-identity-disorder-multiple-personality-disorder> (last updated May 31, 2014).

hallucinations.” *Id.* at \*34. Yet, during his treatment, he was reportedly “very circumstantial and evasive . . . treatment team thinks this is looseness of thought association and part of it thinks that this is contrived evasiveness.” *Id.*

In 2004, when Panetti first raised his competency to be executed claim, the state court entered an order appointing psychiatrist Dr. Mary Anderson and clinical psychologist Dr. George Parker to examine Panetti. On April 28, 2004, the appointed experts filed their joint report concluding Panetti was competent to be executed despite this alleged long history of mental illness. *Id.* at 40. Panetti then had the first of two full adversarial hearings in federal district court where he was able to present numerous expert witnesses and yet the court nevertheless determined he was competent to be executed. *Id.* at \*49.

Following the remand and the clarification of the “rational understanding” standard, Panetti had a second full adversarial hearing in federal district court. Panetti called Dr. Leslie Rosenstein, a board certified clinical neuropsychologist; Dr. David Self, a forensic psychiatrist; and Dr. Mary Alice Conroy, the forensic psychologist who evaluated Panetti in 2004. *Id.* at \*50-58. In contrast, the State had only one expert testify as to Panetti’s competency to be executed but did call another expert to assess Panetti’s cooperation and possible malingering.

Dr. Tom Allen administered the Green's Word Memory Test (WMT), which his report describes as the "gold standard" to assess cognitive malingering. *Id.* at \*63-64. Dr. Allen reported that the results of the test indicated poor effort and his scores were not consistent with the cognitive disorganization expected with schizophrenia. In fact, Panetti's scores were most similar to experimental groups of simulators and patients asked to fake impairment. *Id.* Dr. Allen opined the probability of malingering was high not only because of Panetti's scores on the WMT but also because of the presence of alcohol and substance abuse in his medical history. Dr. Allen testified that cocaine and methamphetamine in particular may cause schizophrenic-like states and can aggravate actual schizophrenia. He stated he had some concern over how much of Panetti's past behaviors claimed as schizophrenia were actually substance-abuse related, and noted violent behaviors are often triggered by substance abuse. In Dr. Allen's opinion, Panetti's medical records while incarcerated are particularly relevant because they were made at a time when Panetti was "presumably substance free." Those records note malingering concerns several times. *Id.* at \*64.

As for Panetti's competency to be executed the State presented only the opinion of Dr. Alan Waldeman, a board certified psychiatrist and neurologist. Dr. Waldeman interviewed Panetti twice, on November 14, 2007 and

November 15, 2007, for a total of approximately three and a half hours. Panetti initially refused to see Dr. Waldeman, but when told the doctor was under a court order to evaluate his competence to be executed, Panetti agreed to come to the interview room. Yet Panetti refused to address Dr. Waldeman by the correct name and refused to sign an informed consent form. *Id.* at \*65.

Dr. Waldeman testified that Panetti cited biblical passages in order to avoid cooperation. Further, Dr. Waldeman disputed Panetti's diagnosis of schizophrenia. Specifically, he stated, "Unlike the disorganization seen in Schizophrenia where three or four words are spoken, then three or four more words that have nothing to do with the previous statement are spoken, Mr. Panetti makes complete coherent statements . . . then will follow it with another complete coherent statement that may have nothing to do with the first statement . . . This is not the disorganization seen in Schizophrenia, this is Mr. Panetti attempting to imitate disorganization and avoid a process, which is virtually impossible to imitate." *Id.* at \*66. Indeed, Panetti made several statements to Dr. Waldeman indicative of a rational understanding of his situation. At the end of his first interview, Panetti stated "everyone knew I was insane during that kangaroo court." *Id.* When Dr. Waldeman asked what he meant by "kangaroo court" Panetti responded "I was clearly insane but I chose to be my own attorney in trial because of the competency hearing." *Id.* at \*66-

67. Dr. Waldeman also noted that Panetti's presentation of schizophrenia has evolved over time. Specifically, in his initial presentation [between the murders and his trial] where he discusses being other people is akin to what television and movies confuse as Schizophrenia and Dissociative Identity Disorder. *Id.* at \*68.

Finally, as the most persuasive evidence of Panetti's understanding regarding his sentence of death, the State introduced hours of audio recordings of Panetti's prison visits with friends and family. The federal district court notes that Panetti is never irrational, tangential, or pressured in his speech. *Id.* at \*77. Panetti demonstrates "a fairly sophisticated understanding of his circumstances" including the possibility that he is aware he is on tape. *Id.*

In rejecting Panetti's claim of incompetency the federal court noted that "the gravamen of Panetti's argument is not that his mental illness has worsened or changed over time, but that he has been too insane to face the death penalty all along." *Id.* at 96-97. But the court held that the issues of Panetti's competence to stand trial and his insanity defense have been tried, appealed, reviewed in state and federal habeas proceedings, and conclusively put to rest. *Id.* at \*97-98. Thus, the court considered the question before it and relying on the tapes of Panetti's conversations with his parents, concluded that "Panetti has a fairly sophisticated understanding of his case, up to and

including the legal intricacies presented by *Ford* and the Supreme Court's remand opinion." *Id.* at \*98. This evidence directly contradicts Panetti's claims that he is so mentally ill that he has diminished culpability such that he should be exempt from execution.

Moreover, the evidence of Panetti's condition has not markedly changed in the years since the federal court hearing as demonstrated by the affidavit of Dr. Joseph V. Penn. Resp. Exh. 1. Dr. Penn is the Director of Mental Health Services in the Correctional Managed Care division of University of Texas Medical Branch (UTMB) and has so been employed since January of 2008. Dr. Penn is board certified in both general and forensic psychiatry.

As noted by Dr. Penn who recently reviewed Panetti's medical records, Panetti is not on the mental health caseload because he does not have a current or historical psychiatric or other mental health diagnosis. Resp. Exh. 1, Affidavit at 4. During a recent attempted mental health evaluation which Panetti refused:

neither licensed professional counselor noticed any signs, symptoms, oddities in speech, behaviors or hygiene, or other impairments in Mr. Panetti's activities of daily living that would have warranted a higher level of mental health care/treatment such as psychiatric admission/hospitalization or civil commitment.

*Id.* Affidavit at 2. The doctor further stated that there were no indications in the medical record or observation notes that Mr. Panetti was in imminent risk

of harm to himself or others. *Id.* Affidavit at 2-3. Dr. Penn concludes that “Mr. Panetti may have had some baseline or chronic residual psychosis or alternatively over-valued religious beliefs all these years, but nothing severe enough to warrant treatment with medications.” *Id.* Affidavit at 3.

Finally, a recent audio recording of a similar lucid and intelligent prison visit by Panetti with his family is attached as Resp. Exh. 2. (This exhibit was sent separately to the Court and will be included on disk with paper filings). This visit took place on November 4, 2014, and Panetti speaks about it being Election Day and discusses politics and carries on an extended normal conversation. At the very least, it is clear that Panetti is oriented to time and place, a fact which his lawyers clearly dispute. Yet again, Panetti’s mental status has at best been severely exaggerated by his counsel. But the evidence rebuts his assertions.

Panetti’s assertion of severe mental illness are in doubt when compared to the multiple past findings on his sanity, competency to stand trial, and competency to be executed, as well as evidence submitted by the State. Panetti has never been found by a trier of fact, on appellate review, or on collateral review, to be insane, incompetent to stand trial, nor incompetent to be executed. For these reasons, Panetti’s case is an inappropriate one to create a new rule of law.

## CONCLUSION


For the foregoing reasons, Panetti's petition for writ of certiorari should be denied. Additionally, Panetti does not demonstrate that reasonable jurists would debate these issues or that a court could resolve them in a different manner. *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983). Thus, he is not entitled to a stay of execution.

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

DANIEL T. HODGE  
First Assistant Attorney General

EDWARD L. MARSHALL  
Chief, Criminal Appeals Division

/s/ Ellen Stewart-Klein  
  
ELLEN STEWART-KLEIN\*  
Assistant Attorney General

\*Counsel of Record

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Austin, Texas 78711  
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ATTORNEYS FOR RESPONDENT



# Exhibit 1

AFFIDAVIT OF JOSEPH V. PENN, M.D., C.C.H.P., F.A.P.A.

STATE OF TEXAS

COUNTY OF Montgomery

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Before me, the undersigned authority, on this day personally appeared Joseph V. Penn, M.D., C.C.H.P., F.A.P.A., known to me to be the person whose name is subscribed to the following instrument, and having been duly sworn, upon his oath deposes as follows:

"My name is Joseph V. Penn M.D., C.C.H.P., F.A.P.A. I am over twenty one years of age and fully competent to make this affidavit and able to testify herein. I am fully aware, cognizant and have personal knowledge of all the facts set forth herein. I am able to swear, and do hereby swear, that all of said facts and statements herein contained are true and correct. A copy of my *job description* and *curriculum vitae* are attached.

I am a physician licensed to practice medicine in the state of Texas. I am presently employed as the Director of Mental Health Services in the Correctional Managed Care (CMC) division of the University of Texas Medical Branch (UTMB). I have served in this role since February 2008. I am board certified in both general and forensic psychiatry. My UTMB CMC office was previously located in Huntsville from 2008-2013, but is now based in Conroe, Texas. I have been paid no additional compensation in this current matter other than my usual salary.

I have provided reports and testimony as an expert witness in the attached document titled, *Testimony, Joseph V. Penn M.D., C.C.H.P., F.A.P.A.* To the best of my

recollection, this is a complete list of the cases in which I have provided expert testimony, although I reserve the right to supplement, should my records require that I do so.

I am writing this affidavit at the request of the Texas Department of Criminal Justice ("TDCJ")-Office of General Counsel regarding Scott Panetti TDCJ# 999164, a death-row inmate currently assigned to the custody of the TDCJ at the Polunsky Unit, Livingston, Texas. I had no prior knowledge of Mr. Panetti. Upon learning of Mr. Panetti's counsel's concerns regarding his mental health evaluation, I took immediate steps to ensure that the mental health evaluation and treatment he was receiving was proper.

The medical record does not indicate why no mental health evaluation was conducted for Offender Scott Panetti after the November 21, 2013 cell-side interview. However, when reviewing the medical records, staff noted that the evaluation was not done and I requested that this offender undergo a recent mental health evaluation and also a separate psychiatric evaluation by a UTMB CMC senior board certified psychiatrist (board certified in both general and forensic psychiatry). On November 19, 2014, Mr. Panetti refused attempts to conduct a mental health evaluation by two different licensed master's level mental health professionals. Based on their observations during the attempted mental health evaluation, neither licensed professional counselor noticed any signs, symptoms, oddities in speech, behaviors or hygiene, or other impairments in Mr. Panetti's activities of daily living that would have warranted a higher level of mental health care/treatment such as psychiatric admission/hospitalization or civil commitment. There were no indications in the medical record or observation notes that Mr. Panetti was

in imminent risk of harm to himself or others. I have requested/confirmed that a subsequent psychiatric evaluation by a UTMB CMC psychiatrist will occur in the next few days. Both TDCJ correctional staff and UTMB CMC mental health, nursing, and other health care staff can make behavioral observations to determine if a higher level of care/treatment for Mr. Panetti (or any other TDCJ offender) is warranted.

Mr. Panetti was not prescribed antipsychotic medication. UTMB CMC implemented a statewide electronic medical record (EMR) in 2004. Records prior to February of 2004 are not available. Since February 25, 2004, when the EMR was initiated, the medical records reflect that none of the 14 UTMB CMC mental health staff who have met with Mr. Panetti in person and evaluated him have identified any clinical signs and symptoms indicating a psychiatric diagnosis or required the need for additional mental health or psychiatric treatment such as psychotropic medications. There is a noted allergy to Mellaril, Thorazine, and Haldol that has a first noticed date of 1995. From that I would gather that the patient reported the allergy upon entry into the system, and that it is not the result of a medication trial within TDCJ. From the mental health notes in the chart, it appears that he has always been described as hyper-religious, but that it did not appear to be affecting his daily functioning.

In my opinion based on the records in the EMR, Mr. Panetti may have had some baseline or chronic residual psychosis or alternatively over-valued religious beliefs all these years, but nothing severe enough to warrant treatment with medications. Because antipsychotic medications are associated with such significant side effects, there is always a risk to benefit ratio and alternatives analysis at play. If the patient's symptoms are not bothersome or dangerous, and are not affecting his daily functioning, then in my

professional opinion, I see no reason why he could not continue to be monitored off of medications. It should be noted that Mr. Panetti has not requested psychotropic medication treatment.

Review of Mr. Panetti's medical record further indicates the following:

- There are no active or inactive psychiatric diagnoses listed in the Problem Lists.
- In all of the notes, the only diagnosis listed was a V Code diagnosis, specifically, V71.09 which means no diagnosis.
- There are a couple of notes where staff did document that he talked about religion during the interview, but it was never seen as part of a mental illness.
- He has been seen by master's level qualified mental health professionals and doctoral level psychologists.
- He was seen on 90 day administrative segregation rounds on June 24, 2014, September 11, 2014 and October 9, 2014. The last date was conducted by Mr. Bertling with TDCJ Health Services, this is an additional health care audit and oversight role performed by TDCJ. A referral for additional mental health or psychiatric evaluation or treatment was never made.

Mr. Panetti is not on the mental health caseload. According to EMR records, he does not have a current or historical psychiatric or other mental health diagnosis in his Offender Patient Problem/Problem Lists.

Further affiant sayeth not."



JOSEPH V. PENN, M.D., C.C.H.P. F.A.P.A.

Director, Mental Health Services  
UTMB Correctional Managed Care

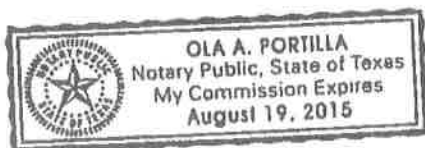
STATE OF TEXAS

COUNTY OF Montgomery

§  
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§

BEFORE ME on this day personally appeared Joseph V. Penn, M.D., C.C.H.P.  
F.A.P.A., known to be the person whose name is subscribed to the foregoing instrument  
and acknowledged to me that he executed the same for the purposes and consideration  
therein expressed.

Given under my hand and seal of office this 24<sup>th</sup> day of November, A.D. 2014.



Ola Portilla  
Notary Public in and for the  
State of Texas

September 16, 2014

CURRICULUM VITAE  
**JOSEPH V. PENN, MD CCHP FAPA**

Business Address: University of Texas Medical Branch (UTMB)  
Correctional Managed Care (CMC)  
Mental Health Services  
200 River Pointe Drive, Suite 200  
Conroe, Texas 77304  
Business Telephone: (936) 494-4183  
Business Fax: (936) 494-4194  
E-mail: jopenn@utmb.edu

EDUCATION

Undergraduate 1987 B.S. in Biology  
University of the Incarnate Word (formerly Incarnate Word College), San Antonio, Texas  
Honors: Alpha Chi, Academic All-American, Who's Who in American Universities & Colleges, Graduated Summa Cum Laude

Medical School 1992 M.D.  
University of Texas Medical Branch, Galveston, Texas  
Honors: Who's Who in American Colleges/Universities, Junior Marshal

POSTGRADUATE EDUCATION

2014 Management Certificate  
Physician Leadership Academy  
University of Houston Clear Lake &  
University of Texas Medical Branch, Galveston, Texas

POSTGRADUATE TRAINING

Residency 1992-1996 General Psychiatry  
1995-1996 Chief Resident  
Department of Psychiatry and Human Behavior,  
Brown University, Providence, Rhode Island

Residency 1996-1998 Child and Adolescent Psychiatry  
Department of Psychiatry and Human Behavior,  
Brown University, Providence, Rhode Island





2013 Re-Certification, Forensic Psychiatry, American Board of Psychiatry & Neurology # 1438

#### ACADEMIC APPOINTMENTS

1995-1996 Assistant Instructor in Psychiatry  
1998-2007 Clinical Assistant Professor of Psychiatry, Department of Psychiatry and Human Behavior, Brown University School of Medicine, Providence, Rhode Island  
2007-2012 Clinical Associate Professor of Psychiatry, Department of Psychiatry and Human Behavior, Warren Alpert Medical School of Brown University, Providence, Rhode Island  
2009-2013 Clinical Associate Professor of Psychiatry, Department of Psychiatry and Behavioral Sciences, UTMB Medical School, Galveston, Texas  
2014- Clinical Professor of Psychiatry, Department of Psychiatry and Behavioral Sciences, UTMB Medical School, Galveston, Texas

#### HOSPITAL APPOINTMENTS

1994-1997 Psychiatric House Officer, Landmark Medical Center, Woonsocket, RI  
1994-1998 Psychiatric House Officer, St. Joseph Center for Psychiatric Services, Providence, RI  
1999-2008 Medical Staff, Rhode Island Hospital, Providence, RI  
1999-2008 Medical Staff, Emma Pendleton Bradley Hospital, East Providence, RI  
1999-2008 Director, Child and Adolescent Forensic Psychiatry, Rhode Island Hospital, Providence, RI  
2008- Director, Mental Health Services, University of Texas Medical Branch (UTMB), Correctional Managed Care (CMC), Huntsville, Texas

#### OTHER APPOINTMENTS

1995- Reviewer, Hospital Physician  
1996 Reviewer, Academic Psychiatry  
1996 Reviewer, Journal of Nervous and Mental Disease  
1997 Reviewer, Journal of Clinical Psychiatry  
1997 Staff Psychiatrist, Kent County Mental Health Center, Warwick, RI  
1998-2001 Consultant, New Haven State's Attorney Office, New Haven, CT  
1998-2000 Consultant, Capital Defense and Trial Services Unit, Office of the Chief Public Defender, Hartford, CT  
1998-2001 Consultant, Office of the Public Defender, Bridgeport, CT  
1998-1999 Psychiatrist, New Haven Court Clinic, New Haven, CT  
1998-1999 Consultant, Disabilities Clinic, Yale Law School, New Haven, CT  
1998-1999 Psychiatric Expert Witness, Trial Practice Course, Yale Law School, New Haven, CT  
1998-1999 Consultant, Special Populations Unit, CT Department of Mental Health and Addictions Services, Hartford, CT  
1998-1999 Genesis Group Co-leader and Individual Therapist, Whiting Forensic Institute, Middletown, CT  
1998-1999 Child Custody and Placement Clinic, Yale Child Study Center, New Haven, CT

Joseph V. Penn, MD CCHP FAPA Curriculum Vitae

1998-2001	Consultant, Superior Court, Juvenile Matters, Stamford, CT
1999	Consultant, Psychiatric Security Review Board, Middletown, CT
1999	Consultant, United States Department of State, Washington, DC
1999-2001	Staff Child Psychiatrist, The Family Health Center at SSTAR Program, Fall River, MA
1999-2008	Director of Psychiatric Services, Rhode Island Training School, Cranston, RI
1999-2008	Consultant, Rhode Island Family Court
1999-2008	Consultant, Rhode Island Department of Children, Youth, and Families
1999-2008	Consultant, RI Department of Disability Determination Services, Providence, RI
1999-2000	Consultant, Providence Police Department, Kid's INC. Program, Providence, RI
1999-2001	Consultant, Office of the Attorney General, Providence, RI
2000-2001	Consultant, Superior Court, Juvenile Matters, Hartford, CT
2000-2001	Consultant, United States Attorney, District of Rhode Island, Providence, RI
2001	Consultant, Butler Hospital, Providence, RI
2001	Consultant, Northwest Special Education Region, Scituate, RI
2001	Consultant, Qualidigm, Middletown, CT
2001-2003	Consultant, Town of Narragansett, Narragansett, RI
2001-2002	Consultant, Office of the Public Defender, Enfield, CT
2001-2002	Consultant, Medical Consultants Network, Seattle, WA
2001-2002	Advisory Board, HELP Mental Health and Wellness Initiative, Providence, RI
2002	Consultant, Yarmouth Police Department, Yarmouth, MA
2002-2003	Consultant, Office of the Mental Health Advocate, Cranston, RI
2002	Consultant, Commonwealth of Massachusetts, Committee for Public Council, Boston, MA
2002-	Editorial Board, Hospital Physician
2002-	Reviewer, Journal of Correctional Health Care
2003-	Consultant, Bradley Hospital, East Providence, RI
2003-	Representative, American Academy of Child & Adolescent Psychiatry to the National Commission on Correctional Health Care, Chicago, Illinois
2003-	Board of Directors, National Commission on Correctional Health Care, Chicago, Illinois
2003	Advisory Panel, ADHD in Correctional Institutions, National Commission on Correctional Health Care, Chicago, Illinois
2004	Consultant, Town of West Warwick, RI, Pension Board
2004	Consultant, Rhode Island Department of Corrections
2004	Reviewer, Journal of the American Medical Women's Association
2004-	Editorial Board, Psychiatry
2005	Consultant, Florida Department of Juvenile Justice
2005-2008	Consultant, Office of the Public Defender, Providence, RI
2005	Consultant, Bradley School, Portsmouth, RI
2005-2006	Consultant, Office of the Attorney General, Hartford, CT
2006-2007	Consultant, Phoenix House, New York, NY
2006-	Editorial Board, Correctional Health Report
2006-2008	Consultant, Physicians and Lawyers for National Drug Policy
2006-2008	Board of Directors, Academy of Correctional Health Care Professionals
2007-2009	Consultant, Town of East Providence, RI, Police Department
2007-2009	Technical Assistance Project Consultant, National Commission on Correctional Health Care, Various Correctional Facilities, Valhalla, New York

2007-2010	Chair (Chair-Elect, Chair, Immediate Past), Board of Directors, National Commission on Correctional Health Care, Chicago, Illinois
2008	Consultant, National Institute of Mental Health (NIMH), Bethesda, MD
2009	Consultant, Kansas Department of Juvenile Corrections
2009	Consultant, Philadelphia Department of Behavioral Health and Mental Retardation Services
2009	Reviewer, Ambulatory Pediatrics
2009-	Board of Directors, Society of Correctional Physicians (SCP)
2011-	Editorial Board, Journal of Correctional Health Care
2011	Technical Assistance Project Consultant, U.S. Department of Justice, National Institute of Corrections (NIC)
2011	Consultant, Rhode Island Department of Corrections
2011-	Consultant, Agency for Health Research and Quality's (AHRQ) Effective Health Care (EHC) Program
2011	Consultant, Office of the Attorney General, Providence, Rhode Island
2011	Consultant, Vermont Department of Corrections
2012	Technical Assistance Project Consultant, National Commission on Correctional Health Care, Idaho Department of Corrections
2012	Consultant, National Commission on Correctional Health Care, US Immigration and Customs Enforcement (ICE) San Diego Contract Detention Facility, San Diego, California
2012	Surveyor, National Commission on Correctional Health Care, Orleans Parish Criminal Sheriff's Office, New Orleans, Louisiana
2012	Surveyor, National Commission on Correctional Health Care, Hudson County Correctional Center, Kearny, New Jersey
2012	Reviewer, Academic Pediatrics
2012-2013	Consultant, Office of the Attorney General, Providence, Rhode Island
2013-	Consultant, Polk County Juvenile Detention Center/Polk County Jail, Bartow, Florida
2013-2016	Member, Council on Psychiatry and Law, American Psychiatric Association, Arlington, Virginia
2013	Surveyor, National Commission on Correctional Health Care, Harris County Jail, Houston, Texas
2013	Surveyor, National Commission on Correctional Health Care, Rio Grande Detention Center, Laredo, Texas
2013-	Consultant, Juvenile Justice Commission (JJC) State of New Jersey, and the University of Medicine and Dentistry of New Jersey (UMDNJ)-University Behavioral HealthCare/University Correctional HealthCare, Trenton, New Jersey
2013-	Reviewer, Suicide and Life-Threatening Behavior
2013-	Consultant, Division of Health Services, Arizona Department of Corrections, Phoenix, Arizona
2013	Surveyor, National Commission on Correctional Health Care, El Paso Service Processing Center, El Paso, Texas
2013-2014	Consultant to Special Master, <i>Coleman v. Brown, Governor of California, et al.</i> , United States Court of Appeals, Ninth Circuit, Pasadena, California.

### ADDITIONAL INFORMATION

- 2007-2011 Contributor and Consultant to the American Academy of Child and Adolescent Psychiatry (AACAP) Work Group on Quality Issues. Practice Parameter for Child and Adolescent Forensic Evaluations. J Am Acad Child Adolesc Psychiatry 2011; 50:1299-1312.

### HOSPITAL COMMITTEES

- 1994-96 Pharmacy and Therapeutics Committee, Butler Hospital, Providence, RI  
1995-96 Outpatient Specialty Program Directors Group, Butler Hospital, Providence, RI

### UNIVERSITY COMMITTEES

#### Brown University Department of Psychiatry and Human Behavior

- 1992-96 Policy Committee, Residency Training Program  
1992-96 Selection Committee, Residency Training Program  
1994 Residency Recruitment Coordination Committee  
1994-96 SDDS/Primary Care Psychiatry Research Committee  
1994 Search Committee, Director of General Psychiatry Residency Training Program  
1998 Selection Committee, Child and Adolescent Psychiatry Residency Program

#### Brown University School of Medicine

- 2000-2002 Search Committee, Department of Pediatrics  
2003-2007 Search Committee, Post-Doctoral Training Program in Juvenile Forensic Psychology

#### University of Texas Medical Branch Correctional Managed Care

- 2008- Continuing Medical Education (CME) Committee  
2008-2010 County Jail Pharmacy and Therapeutics Committee  
2008- Mental Health Services Policy Committee  
2008- Quality Council  
2008- Mental Health Inpatient Leadership Group (Chair)  
2009-2011 Medical Executive Committee (Chair)  
2009- Executive Council

### NATIONAL COMMITTEES

#### Academy of Correctional Health Care Professionals

- 2003-2004 Education Committee  
2005-2008 Membership Committee  
2006-2008 Board of Directors  
2007-2008 Education Committee

American Academy of Child and Adolescent Psychiatry

1997-2000 Television and the Media Committee  
1999- Rights and Legal Matters Committee  
1999-2002 Task Force on Juvenile Justice Reform  
2002-2006 Committee on Juvenile Justice Reform

American Board of Psychiatry and Neurology

1998- 2001 Psychiatry Re-Certification Committee  
2001- 2004 Re-appointed, Psychiatry Re-Certification Committee  
2001- 2006 Examiner, Part II General Psychiatry Examination Committee  
2002- 2006 Examiner, Child and Adolescent Psychiatry Examination Committee  
2007- 2014 Forensic Psychiatry Examination Committee

American Academy of Psychiatry and the Law

1998- Rapoport Fellowship Committee  
2006- Suicidology Committee  
2010-12 Institutional and Correctional Psychiatry  
2011- (Chair) Suicidology Committee

American College of Psychiatrists

2014-2017 Committee on the Education Award

American Correctional Association

2013- Health Care Committee  
2013- Mental Health Committee

American Psychiatric Association

2012-2014 Workgroup on Persons with Mental Illness in the Criminal Justice System  
2014- Workgroup on Mental Illness and Criminal Justice

Association for Academic Psychiatry

2003-2004 Program Committee

Coalition for Juvenile Justice

2001-2002 Membership Committee

National Commission on Correctional Health Care

2003- Juvenile Health Committee  
2003-2004 Standards Revision Task Force, Standards for Health Services in Juvenile  
Detention and Confinement Facilities  
2005 Program Committee  
2005 (Chair) Clinical Guidelines Monitoring Subcommittee  
2006-2007 (Vice-Chair) Clinical Guidelines Monitoring Subcommittee  
2006-2010 Executive Committee, Member At-Large  
2007-2008 (Chair) Juvenile Health Committee  
2007-2008 Clinical Guidelines Monitoring Subcommittee  
2008-2010 Finance Committee

## Joseph V. Penn, MD CCHP FAPA Curriculum Vitae

2011-2014 (Chair) Juvenile Health Committee  
2011- Executive Committee  
2011- Accreditation Committee  
2012-2014 (Vice Chair) Accreditation Committee  
2013 Standards Revision Task Force, Standards for Health Services in Jails and Prisons  
2014- (Chair) Accreditation Committee  
2014- Certified Correctional Health Professional-Mental Health (CCHP-MH) Committee  
2014- Mental Health Standards Revision Task Force, Standards for Mental Health Services in Correctional Facilities

### STATE AND LOCAL COMMITTEES

#### Rhode Island Psychiatric Society

1995-1996 Executive Committee  
2006-2008 (Chair) Public Affairs Committee

#### Rhode Island Training School

2000-2001 Health, Mental Health, and Suicide Prevention Work Group  
2002 Resocialization Steering Committee  
2003-2008 Pharmacy and Therapeutics Committee  
2004-2008 Risk Management Committee  
2004-2008 Suicide Prevention Work Group

#### Rhode Island Department of Children, Youth, and Families

2003 Article 23 Committee and Subcommittee  
2004 Psychotropic Medications and Chemical Restraints

#### Rhode Island Department of Health

2006-2008 Suicide Prevention Subcommittee

#### Texas Department of Criminal Justice

2008- Correctional Managed Care Pharmacy and Therapeutics Committee  
2008- Psychiatry Subcommittee  
2008-2009 Drug Withdrawal/Benzodiazepine Discontinuation Subcommittee  
2008- Joint Suicide Prevention Operational Workgroup  
2008- Joint Mental Health Committee  
2008- Suicide Prevention Working Group  
2008- System Leadership Council  
2009-2011 Joint Mental Health Committee (Chair)  
2012- Joint Gender Identity Disorder Committee  
2012- Integrated Mental Health Procedure Committee

#### Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI)

2009- Advisory Committee

Texas Juvenile Justice Department (formerly known as the Texas Youth Commission)

2008- Youth Health Services Leadership Council  
2008- Youth Services Pharmacy and Therapeutics Committee  
2008- Mental Health Subcommittee  
2008- Psychiatry Subcommittee

Texas Society of Psychiatric Physicians

2009- Government Affairs Committee  
2009-2012 Public Mental Health Services Committee  
2009- Strategic Planning and Coordinating Committee  
2012-2013 (Vice-Chair) Forensic Psychiatry Committee  
2013- Continuing Medical Education Committee  
2013- (Chair) Forensic Psychiatry Committee  
2013- Executive Council

MEMBERSHIP IN SOCIETIES

1987-99 American Medical Association  
2002-2003 American Medical Association  
1992- Theta Kappa Psi Medical Fraternity Alumni  
1992- American Psychiatric Association  
1993-2008 Rhode Island Psychiatric Society  
1995- American Academy of Child and Adolescent Psychiatry  
1996-2004 Association for Academic Psychiatry  
1996-98 Rhode Island Medical Society  
1997-98 American Association of General Hospital Psychiatrists  
1997-98 Brown University Housestaff Association  
1999-2008 Rhode Island Council of Child and Adolescent Psychiatry  
1997- American Academy of Psychiatry and the Law  
1998-99 Connecticut Psychiatric Society  
2002- Academy of Correctional Health Professionals  
2008- Texas Society of Psychiatric Physicians  
2008- Texas Society of Child and Adolescent Psychiatry  
2009- American College of Psychiatrists  
2011- American College of Physician Executives

PUBLICATIONS

1. Jenkins M, Malloy P, Cohen R, Salloway S, Neeper R, **Penn JV**, Chang K. Attentional and Learning Dysfunction Among Adults with History of Childhood ADHD Journal of the International Neuropsychological Society 1996;2:209.
2. **Penn JV**, Boland RJ, McCartney JR, Kohn R, Mulvey T. Recognition and Treatment of Depressive Disorders by Internal Medicine Residents and Attendings General Hospital Psychiatry 1997;19:179-184.

3. Jenkins M, Cohen R, Malloy P, Salloway S, Gillard E, **Penn JV**, Marcotte A. Neuropsychological Measures which Discriminate Among Adults with Residual Attention Deficit Disorder and Other Attentional Complaints Clin Neuropsychologist 1998;12:74-83.
4. **Penn JV**, Esposito CL, Schaeffer LE, Fritz GK, Spirito A. Suicide Attempts and Self-Mutilative Behavior in a Juvenile Correctional Facility J Am Acad Child Adolesc Psychiatry 2003; 7:762-769.
5. Zonfrillo MR, **Penn JV**, Leonard HL. Pediatric Psychotropic Polypharmacy. Psychiatry 2005 2005; 8:14-19.
6. Stein, LAR, Lebeau-Craven, R, Martin R, Colby SM, Barnett, NP, Golembeske, C, **Penn, JV**. Use of the Adolescent SASSI in a Juvenile Correctional Setting. Assessment 2005, 12:384-394.
7. **Penn JV**, Thomas CR. AACAP Work Group on Quality Issues. Practice Parameter for the Assessment and Treatment of Youth in Juvenile Detention and Correctional Facilities. J Am Acad Child Adolesc Psychiatry 2005; 10:1085-1098.
8. **Penn JV**, Esposito CL, Stein LAR, Lacher-Katz M, Spirito A. Juvenile Correctional Workers' Perceptions of Suicide Risk Factors and Mental Health Issues of Incarcerated Juveniles. J Correctional Health Care 2006; Volume 11, Issue 4: 333-346.
9. Cascade EF, Kalali AH, **Penn JV**, Feifel D. Recent Changes in Prescriptions for Antipsychotics in Children and Adolescents. Psychiatry (Edgmont). 2006 Volume 3, Issue 9:18-20.
10. Esposito-Smythers CL, **Penn JV**, Stein LAR, Lacher-Katz M, Spirito A. A Test of Problem Behavior and Self-Medication Theories in Incarcerated Adolescent Males. J Child Adol Substance Abuse 2008; Volume 17, Issue 4: 41-56.
11. Baillargeon J, Binswanger IA, **Penn JV**, Williams BA, Murray OJ. Psychiatric Disorders and Repeat Incarcerations: The Revolving Prison Door. The American Journal of Psychiatry 2009; Volume 166, Issue 1:103-109.
12. Baillargeon J, **Penn JV**, Thomas CR, Temple JR, Baillargeon G, Murray OJ. Suicide in America's Largest Prison System. Journal of the American Academy of Psychiatry and the Law 2009; Volume 37, Number 2: 188-193.
13. Garvey KA, **Penn JV**, Campbell AL, Esposito-Smythers CL, Spirito A. Contracting For Safety with Patients: Clinical Practice and Forensic Implications. Journal of the American Academy of Psychiatry and the Law 2009; Volume 37, Number 3: 363-370.
14. Ochoa KC, Pleasants GL, **Penn JV**, Stone DC. Disparities in Justice and Care: Persons With Severe Mental Illnesses in the U.S. Immigration Detention System. Journal of the American Academy of Psychiatry and the Law 2010; Volume 38, Number 3: 392-399.



15. Baillargeon J, Hoge SK, **Penn JV**. Addressing the Challenge of Community Reentry among Released Inmates with Serious Mental Illness. American Journal of Community Psychology 2010; Volume 46, Number 3-4: 361-375.
16. Baillargeon J, **Penn JV**, Knight K, Harzke AJ, Baillargeon G, Becker EA. Risk of Reincarceration among Prisoners with Co-occurring Severe Mental Illness and Substance Use Disorders. Adm Policy Ment Health 2010; Volume 37, Number 4:367-74.
17. Harzke, AJ, Baillargeon J, Baillargeon G, Henry J, Olvera R, Torrealday O., **Penn, JV**, Parikh, R. Prevalence of Psychiatric Disorders in the Texas Juvenile Correctional System. Journal of Correctional Health Care 2012; Volume 18, Number 2: 143-157.
18. Harzke AJ, Baillargeon J, Baillargeon G, Olvera R, Torrealday O, **Penn JV**, Parikh R. Co-occurrence of Substance Use Disorders with Other Psychiatric Disorders in the Texas Juvenile Correctional system. International Journal of Prisoner Health [In Press].
19. Hilliard WT, Barloon L, Farley P, **Penn JV**, Koranek A. Bupropion Diversion and Misuse in the Correctional Facility. Journal of Correctional Health Care 2013; Volume 19, Number 3: 211-217.
20. McKee J, **Penn JV**, Koranek A. Psychoactive Medication Use and Misadventuring Issues in Correctional Healthcare – What all Clinicians Should Know. Journal of Correctional Health Care [In Press].
21. Trestman, RL (Chair), **Penn JV**, et al. Psychiatric Services in Correctional Facilities: A Work Group Report of the American Psychiatric Association [In Press].

#### OTHER PEER-REVIEWED PUBLICATIONS

1. Chang K, Neeper R, Jenkins M, **Penn JV**, Bollivar L, Israeli L, Malloy P, Salloway SP. Clinical Profile of Patients Referred for Evaluation of Adult Attention-Deficit Hyperactivity Disorder (Abstract) Journal of Neuropsychiatry and Clinical Neurosciences 1995;7:400-1.
2. **Penn JV**, Salloway SP. Development of Multiple Sclerosis in a Patient with Attention-Deficit Hyperactivity Disorder (Abstract) Journal of Neuropsychiatry and Clinical Neurosciences 1995;7:406-7.
3. **Penn JV**, Child and Adolescent Forensic Psychiatry, Medicine and Health Rhode Island 2005;9:310-317.

#### OTHER NON-PEER REVIEWED PUBLICATIONS

1. **Penn JV**, Martini J, Radka D. Weight Gain Associated with Risperidone (Letter to Editor) Journal of Clinical Psychopharmacology 1996;16:259-260.

2. **Penn JV**, Leonard HL, March J: OCD in Children and Adolescents. In M.T. Pato, G Steketee (eds.), OCD Across the Life Cycle, Annual Review of Psychiatry, Volume 16. Washington, DC: American Psychiatric Press, 1997, pp 7-53
3. **Penn JV**, Hagino O: Child and Adolescent Psychiatry. In R.J. Goldberg, Practical Guide to the Care of the Psychiatric Patient, 2<sup>nd</sup> Edition. St. Louis: Mosby, 1998, pp 340-374
4. **Penn, JV**, Casoli-Reardon M. Antisocial and Violent Youth (Book Review) Shamsie Lugus et al., Journal of the American Academy of Child and Adolescent Psychiatry 2001;12:1483-1484
5. **Penn, JV**, Casoli-Reardon M. Antisocial and Violent Youth (Book Review) Shamsie Lugus et al., Journal of Developmental and Behavioral Pediatrics 2001; 22: 258-259
6. **Penn JV**. Attention-Deficit/Hyperactivity Disorder: Review Questions. Hospital Physician 2001; 6:27-28
7. **Penn JV**. Quick to Cry? Parenting 2001; 4:185
8. **Penn JV**, Leonard HL: Diagnosis and Treatment of Obsessive-Compulsive Disorder in Children and Adolescents. In M.T. Pato, J. Zohar (eds.), Current Treatments of Obsessive-Compulsive Disorder, 2nd Edition. Washington, DC: American Psychiatric Press, 2001, pp. 109-132
9. **Penn JV**. Justice for Youth? A History of the Juvenile and Family Court. The Brown University Child and Adolescent Behavior Letter 2001; 9:1-4
10. **Penn JV**. Child and Adolescent Depression: Review Questions. Hospital Physician 2002; 1:39-40
11. Thomas CR, **Penn JV**: Juvenile Justice Mental Health Services, In Child and Adolescent Psychiatric Clinics of North America. Edited by Haller L. Philadelphia: WB Saunders, 2002, pp 731-748
12. **Penn JV**: Use of Psychotropic Medications with Incarcerated Youth. Standards for Health Services in Juvenile Detention and Confinement Facilities National Commission on Correctional Health Care, 2004, 263-265
13. Carlsen AB, **Penn JV** Kids Who Commit Adult Crimes: Serious Criminality by Juvenile Offenders (Book Review) Flowers RB, Journal of Developmental & Behavioral Pediatrics 2005; 26:390-391
14. Kraus LJ, **Penn JV**: Standards for Juvenile Detention and Confinement Facilities. In Recommendations for Juvenile Justice Reform. (Monograph) 2<sup>nd</sup> Edition. American Academy of Child and Adolescent Psychiatry Committee on Juvenile Justice Reform, 2005, p.40-47.

15. Masters KJ, **Penn JV**: Seclusion and Restraint: Juvenile Justice Plus Restrictive Interventions Equals Fragmentation. AACAP News, 2005, p. 164, 172
16. **Penn JV**: Safe Use of Psychotropic Medications with Confined Youth. Correct Care, 2005, Volume 19, Issue 2, p. 12
17. Murakami S, Rappaport N, **Penn JV**: An Overview of Juveniles and School Violence. In Psychiatric Clinics of North America. Edited by Scott C. Philadelphia: Elsevier, 2006, pp. 725-741.
18. **Penn JV**: Expert Commentary: Antipsychotic Use Among Children and Adolescents. Psychiatry 2006; 2006; 9:19.
19. **Penn JV**: Child and Adolescent Psychiatry. In R.J. Goldberg, Practical Guide to the Care of the Psychiatric Patient, 3<sup>rd</sup> Edition. Elsevier: Philadelphia, PA, 2007, pp 389-441.
20. Romero L, **Penn JV**. Ethical Issues of Youthful Offenders: Confidentiality, Right to and Right to Refuse Treatment, Seclusion and Restraint. In C. Kessler and L. Kraus; The Mental Health Needs of Young Offenders, Cambridge University Press, Cambridge, UK, 2007, pp.401-422.
21. **Penn JV**, Thomas CR. Mental Health Care in Juvenile Detention Facilities: A Review (Letter to Editor) Journal of the American Academy of Psychiatry and the Law. 2006; 34:570-571.
22. Faille L, Clair M, **Penn JV**. Special Risk Management Issues in Child and Adolescent Psychiatry. Psychiatric Times. 2007; 7:64-67.
23. **Penn JV**. Invited Editorial: "Psychotropic Medications in Incarcerated Juveniles: Over versus Under-Prescribed?" Arch Pediatr Adolesc Med. 2008 Mar;162(3):281-3
24. Baillargeon J, Paar DP, **Penn JV** Psychiatric Disorders and HIV/Hepatitis Coinfection CorrDocs. Volume 11, Issue 3: 12.
25. Baillargeon J, **Penn JV**, (Letter to Editor) The American Journal of Psychiatry 2009; 166:490.
26. **Penn JV**. Suicide Prevention Strategies for Juveniles in Correctional Settings. In Condotta Suicidaria: Un'analisi Nel Sistema Degli Istituti Penali Minorili (Suicide Behavior: An Analysis of the Juvenile Justice/Correctional System). Numeri Pensati: Gangemi Editore, Rome, Italy, 2010, pp 66-76.
27. Clair M, Faille L, **Penn JV**. Prevention and Treatment of Violent Offending/Offenders. In Ferguson CJ, Violent Crime: Clinical and Social Implications, Sage Publications, Thousand Oaks, CA, (in press).

28. **Penn JV.** Standards and Accreditation for Jails, Prisons, and Juvenile Facilities, In Oxford Textbook of Correctional Psychiatry. Edited by Trestman R, Appelbaum K, and Metzner J. Oxford University Press, New York, NY (in press)
29. McGlasson T, Champion MK, **Penn JV.** In Oxford Textbook of Geriatric Forensic Psychiatry. Edited by Holzer J, Kohn R, Recupero P, and Ellison, J. Oxford University Press, New York, NY (final edits)

#### ABSTRACTS

1. Penn JV, Phillips KA. (1995). Body Dysmorphic Disorder and Social Phobia, Young Investigator's Poster Session, American Psychiatric Association Annual Meeting, Miami, Florida.
2. Penn JV, Boland RJ, McCartney JR. (1995). Recognition and Treatment of Depressive Disorders Among Internists, Young Investigator's Poster Session, American Psychiatric Association Annual Meeting. Miami, Florida.
3. Penn JV, Salloway SP. (1995). Development of Multiple Sclerosis in a Patient with Attention-Deficit Hyperactivity Disorder, Poster Session, American Neuropsychiatric Association Annual Meeting. Pittsburgh, Pennsylvania.
4. Chang K, Neeper R, Jenkins M, Penn JV, Bollivar L, Israeli L, Malloy P, Salloway SP. (1995). Clinical Profile of Patients Referred for Evaluation of Adult Attention-Deficit Hyperactivity Disorder, Poster Session, American Neuropsychiatric Association Annual Meeting. Pittsburgh, Pennsylvania.
5. Penn JV, Zimmerman M, Mattia J. (1996). Screening for Psychiatric Disorders in Medical Outpatients: A Patient Acceptance Study, Young Investigator's Poster Session, American Psychiatric Association Annual Meeting. New York, New York.
6. Jenkins M, Malloy P, Cohen R, Salloway SP, Neeper R, Penn JV, Chang K. (1996). Attentional and Learning Dysfunction among Adults with History of Childhood ADHD, Poster Session, International Neuropsychological Society Annual Mid-Year Meeting. Veldhoven, The Netherlands.
7. Penn JV, Boland RJ, McCartney JR. (1996). Recognition and Treatment of Depressive Disorders by Internal Medicine Attendings and Housestaff, Annual Chester M. Pierce, M.D., Sc.D., Resident and Medical Student Research Symposium, National Medical Association 101st Scientific Assembly, Chicago, Illinois.
8. Penn JV, Boland RJ, McCartney JR. (1996). Recognition and Treatment of Depressive Disorders by Internal Medicine Attendings and Housestaff, Poster Session, Annual Lifespan Hospitals Research Celebration, Providence, Rhode Island.

9. Penn JV, Holden P, Hendren RL. (1997). Can You Teach Child and Adolescent Psychopharmacology from Somebody Else's Lecture Notes? Workshop Presentation and Poster Session, Annual Meeting Association for Academic Psychiatry, Albuquerque, New Mexico.
10. Leonard HL, Penn JV, March J. (1997). OCD in Children and Adolescents, Review of Psychiatry, Obsessive-Compulsive Disorder Across the Life Cycle, American Psychiatric Association Annual Meeting. San Diego, California.
11. Penn JV, Esposito C, Spirito A. (2001). Incidence of Suicide Attempts and Self-Injurious Behavior in a Juvenile Correctional Facility, Poster Session, American Academy of Child and Adolescent Psychiatry Annual Meeting. Honolulu, Hawaii.
12. Penn JV, Esposito CL, Stein LAR, Lacher-Katz M, Spirito A. (2003) Juvenile Correctional Workers' Perceptions of Suicide Risk Factors and Mental Health Issues of Incarcerated Juveniles, Poster Session, American Academy of Psychiatry and the Law Annual Meeting, San Antonio, Texas.
13. Penn JV. (2005) AACAP Practice Parameter for the Assessment and Treatment of Youth in Juvenile Detention and Correctional Facilities, Symposium, Emerging Frontier of Psychiatry: Juvenile Justice, American Psychiatric Association Annual Meeting, Atlanta, Georgia.
14. Penn JV. (2005) Surviving the Challenges of Juvenile Corrections: Suicide Prevention Strategies, Symposium, Juvenile Justice and Mental Health, International Academy of Law and Mental Health, International Congress on Law and Mental Health, Paris, France.
15. Merideth P, Janofsky J, Penn JV, Phillips RTM, Recupero P. (2005) Difficult Case? Consult Your Colleagues, Workshop, American Academy of Psychiatry and the Law Annual Meeting, Montreal, Canada.
16. Chen JT, Hunt J, Penn JV, Spirito A. (2006) Psychiatric Differences Among Adolescents in a Psychiatric Hospital Versus a Juvenile Correctional Facility, Poster Session, American Psychiatric Association, Institute on Psychiatric Services, New York, New York.
17. Penn JV. (2006) Suicide Attempts and Self-Mutilative Behavior in a Juvenile Correctional Facility, Symposium, Recent Developments in the Research of Juvenile Offenders, American Academy of Child and Adolescent Psychiatry Annual Meeting. San Diego, California.
18. Penn JV. (2007) Acting Out: How to Manage Difficult Adolescents in Correctional Settings, Symposium (Chair), Novel Approaches to the Evaluation and Treatment of Juvenile Offenders, International Academy of Law and Mental Health, International Congress on Law and Mental Health, Padua, Italy.
19. Garvey KA, Penn JV. (2007) Contracting for Safety with Adolescents: Is This an Empirically-Based Practice? Poster Session, American Academy of Psychiatry and the Law Annual Meeting, Miami, Florida.

20. Ryan E, Penn JV. (2007) Juvenile Sexual Offenders: Update on Clinical and Forensic Evaluation Strategies, Workshop Presentation, American Academy of Child and Adolescent Psychiatry Annual Meeting. Boston, Massachusetts.
21. Baillargeon J, Penn JV. (2008) The Prevalence and Treatment of Psychiatric Disorders in a State Prison System, Academic and Health Policy Conference on Correctional Health, Quincy, Massachusetts.
22. Garvey KA, Penn JV, Campbell AL, Esposito-Smythers CL, Spirito A. (2008) Contracting for Safety: Clinical Practice and Forensic Implications, Paper Session, American Academy of Psychiatry and the Law Annual Meeting, Seattle, Washington.
23. Baillargeon J, Penn JV, (2009) Psychiatric Disorders and Repeat Incarcerations: The Revolving Prison Door, Symposium, International Academy of Law and Mental Health, International Congress on Law and Mental Health, New York, New York.
24. Baillargeon J, Penn JV, (2009) Psychiatric Disorder and Parole Revocation Among Texas Prison Inmates, Academic and Health Policy Conference on Correctional Health, Fort Lauderdale, Florida.
25. Dingle AD, Zito JM, Sharma S, Zima BT, Varley CK, Carlson GA, Penn JV. (2010) Psychotropic Medication Use in Vulnerable Child and Adolescent Populations, Symposium, American Academy of Child and Adolescent Psychiatry Annual Meeting, New York, New York.
26. Penn JV, (2011) Framework of Correctional Managed Care Models: Formulary Development and Implementation, Symposium, International Academy of Law and Mental Health, International Congress on Law and Mental Health, Berlin, Germany.
27. Ochoa K, Penn JV, Venters H, Hustings E, Mehta S, Belous L. (2011) Seriously Mentally Ill Persons in U.S. Immigration Detention, Panel, American Academy of Psychiatry and the Law Annual Meeting, Boston, Massachusetts.
28. Penn JV, Harzke AJ, Baillargeon J, (2012) Risk of Reincarceration among Prisoners with Co-Occurring Serious Mental Illness and Substance Use Disorders, Academic and Health Policy Conference on Correctional Health, Atlanta, Georgia.
29. Penn JV, (2012) Practicing Behind Bars: Challenges and Opportunities Within Correctional Psychiatry, Symposium, Forensic Psychiatry: Informing Clinical Practice, American Psychiatric Association Annual Meeting, Philadelphia, Pennsylvania.
30. Torrealday O, Penn JV, (2013) Juveniles Behind Bars: Meeting Treatment Needs Through a Statewide Academic and Correctional Managed Care Partnership, Academic and Health Policy Conference on Correctional Health, Chicago, Illinois.
31. Penn JV, (2013) Psychiatric Services in Jails and Prisons: An Update on the APA Guidelines, American Psychiatric Association Annual Meeting, San Francisco, California.

32. Penn JV, (2013) Psychiatric Comorbidity in Secure Juvenile Settings: How Complex an Issue is It Really? International Academy of Law and Mental Health, International Congress on Law and Mental Health, Amsterdam, The Netherlands
33. Torrealday O. Penn JV, Parikh R, (2014) Meeting Complex Mental Health Needs of Youthful Offenders, Academic and Health Policy Conference on Correctional Health, Houston, Texas.
34. Parikh R, Torrealday O, Penn JV, (2014) Save Money and Get Better Care? Cost Effective Health Care Delivery in Juvenile Corrections, Academic and Health Policy Conference on Correctional Health, Chicago, Illinois.

#### INVITED PRESENTATIONS

1. "Cognitive Behavioral Treatment of Panic Disorder," Rhode Island Hospital, Department of Psychiatry, General Hospital Psychiatry Continuing Education Series, Providence, Rhode Island, 1993.
2. "Social Phobia: An Overview of Treatment Strategies," Rhode Island Hospital, Department of Psychiatry, General Hospital Psychiatry Continuing Education Series, Providence, Rhode Island, 1994.
3. "Paraphilias and Sexual Deviations," Butler Hospital, Outpatient Department Case Conference, Providence, Rhode Island, 1995.
4. "Cultural Competence in the Delivery of Mental Health Services," Rhode Island Psychological Association 1995 Annual Convention, Providence, Rhode Island, 1995.
5. "Can You Teach Child and Adolescent Psychopharmacology from Somebody Else's Lecture Notes?" Grand Rounds, Bradley Hospital, Brown University Department of Psychiatry, Division of Child and Adolescent Psychiatry, East Providence, Rhode Island, 1997.
6. "Consulting to the Community: A Challenge for the Child and Adolescent Psychiatrist," Grand Rounds, Bradley Hospital, Brown University Department of Psychiatry, Division of Child and Adolescent Psychiatry, East Providence, Rhode Island, 1997.
7. "A School-Based Approach to Selective Mutism," Elmhurst Elementary School, Portsmouth, Rhode Island, 1977.
8. "Moodiness and Depression in Children and Adolescents," WLNE ABC Channel 6, Providence, Rhode Island, 1997.
9. "Moodiness and Depression in Adolescents," Mount Hope High School, Bristol, Rhode Island, 1997.

10. "Moodiness and Depression in Children and Adolescents," Lifespan Health Connection, Speaking of Kids, Parenting Education Series, Bradley Hospital, East Providence, Rhode Island, 1997.
11. "Career Opportunities in Child and Family Psychiatry," Junior Explorers, Miriam Hospital, Providence, Rhode Island, 1998.
12. "The Crisis of School Violence: How Do We Help Our Children," Testimony before the Congressional Children's Caucus, Washington, District of Columbia, 1999.
13. "Assessment of Violent Behavior in Adolescents," Department of Pediatrics, Division of Adolescent Medicine, Hasbro/Rhode Island Hospital, Providence, Rhode Island, 1999.
14. "Overview of Child Psychiatric Consultation at the Rhode Island Training School to the Rhode Island Family Court," Annual Rhode Island Family Court Judges' Conference, Narragansett, Rhode Island, 1999.
15. "The New Law and Psychiatry Service at Brown," Grand Rounds, Bradley Hospital, Brown University Department of Psychiatry, Division of Child and Adolescent Psychiatry, East Providence, Rhode Island, 1999.
16. "Violent Threats Made by Adolescents: An Approach to Assessment and Treatment," The Family Health Center at SSTAR Program, Fall River, Massachusetts, 1999.
17. "Introduction to Child and Adolescent Psychopharmacology," Miriam Hospital, Rhode Island Nursing Association, Clinical Nurse Specialists Continuing Education Seminar, Providence, Rhode Island, 2000.
18. "What We Don't Want to Happen to Our Youth," Adolescent Mental Health and School Success Conference, Rhode Island Department of Health, Providence, Rhode Island, 2000.
19. "Psychiatric and Abuse Issues Affecting Incarcerated Youth," Justice for All Youth Conference, Rhode Island Office of the Child Advocate, Warwick, Rhode Island, 2000.
20. "Juvenile Violence," Grand Rounds, Newport Hospital, Newport, Rhode Island, 2000.
21. "Demystifying the Courts and the Legal Process for Juveniles," Grand Rounds, Bradley Hospital, Brown University Department of Psychiatry, Division of Child and Adolescent Psychiatry, East Providence, Rhode Island, 2000.
22. "Warning Signs in Adolescents: A Practical Guide for Families and Educators," Lifespan Health Connection, Parenting Matters, Parenting Education Series, Tollgate High School, Warwick, Rhode Island, 2000.
23. "Mood Dysregulation and Mood Disorders in Incarcerated Youth," Grand Rounds, Judge Baker Children's Center, Boston, Massachusetts, 2001.



24. "The Crisis of School Violence: How Do We Help Our Children," Grand Rounds, Department of Psychiatry, State University of New York, Buffalo, New York, 2001.
25. "Mental Health Evaluation and Treatment of Incarcerated Youth," Child Psychiatry Fellowship Seminar Series, New England Medical Center, Boston, Massachusetts, 2001.
26. "Mood, Substance Abuse, and Other Mental Disorders in Violent Youth," St. Anne's Hospital, Fall River, Massachusetts, 2001.
27. "Teen Violence: Risk Management and Malpractice Issues" Annual Conference, National Organization of Forensic Social Workers, Philadelphia, Pennsylvania, 2001.
28. "Mental Health Needs of Incarcerated Youth" Annual Conference, National Organization of Forensic Social Workers, Philadelphia, Pennsylvania, 2001.
29. "Children's Mental Health Issues in Rhode Island: Problems and Solutions" Testimony before Congressional Committee Hearing, Rhode Island State House, Providence, Rhode Island, 2001.
30. "Mental Health Evaluation and Treatment of Incarcerated Youth," Sixth New England Correctional Health Conference, Sturbridge, Massachusetts, 2001
31. "When Psychotherapies Are Not Enough: Medical Management of Aggression," Pediatric Psychopharmacology: An Update for Primary Care Practitioners, Providence, Rhode Island, 2001.
32. "Mental Health Evaluation and Treatment of Incarcerated Juveniles," The Providence Center, Providence, Rhode Island, 2001.
33. "School Shootings and Youth Violence," Truman Taylor Show, WLNE ABC, Channel 6, Providence, Rhode Island, 2001.
34. "Juveniles Presenting with Violent or Threatening Behaviors" Greater Fall River Child Protection Council and St. Anne's Hospital Lecture Series, Fall River, Massachusetts, 2001.
35. "School Shootings and Youth Violence," Healthwatch, NBC, WJAR Channel 10, Providence, Rhode Island, 2001.
36. "Youth Violence," Bradley/Hasbro Hospitals: Parenting Matters 2001, Toll Gate High School, Warwick, Rhode Island, 2001.
37. "School Violence: Strategies for Schools and Families," N.A. Ferry Middle School, Johnston, Rhode Island, 2001.
38. "School Violence: Strategies for Schools and Families" CBS, WPRI, Channel 12, Providence, Rhode Island, 2001.

39. "Re-Defining the Use of Psychotropic Medications in Children and Adolescents," Annual Rhode Island Family Court Judges' Conference, Narragansett, Rhode Island, 2001.
40. "Bullying, Beatings & Beyond: Assessment and Treatment of Youth Violence," Rhode Island Psychological Society, Pawtucket, Rhode Island, 2001.
41. "Psychiatric Services for Incarcerated Juveniles," Annual Meeting, National Commission on Correctional Health Care (NCCHC), Albuquerque, New Mexico, 2001.
42. "Assessment and Treatment of Juvenile Sexual Offenders," (Discussant) Grand Rounds, Rhode Island Hospital, Brown University Department of Psychiatry, Division of Child and Adolescent Psychiatry, Providence, Rhode Island, 2001
43. "Re-Defining the Use of Psychotropic Medications in Children and Adolescents," Rhode Island Training School, Clinical Staff In-Service, Cranston, Rhode Island, 2002.
44. "Youth Violence: Evaluation and Treatment Approaches," University of Texas Medical Branch, Department of Psychiatry, Psychiatry Resident's Journal Club, Galveston, Texas, 2002.
45. "Youth Violence: Practical Strategies for Clinicians," St. Luke's Hospital, Department of Psychiatry, Grand Rounds, New Bedford, Massachusetts, 2002.
46. "Redefining the Use of Psychotropic Medications in Juvenile Justice Populations," 7<sup>th</sup> Northeast Correctional Health Care Conference, Sturbridge, Massachusetts, 2002.
47. "Profile of a Columbine Type Perpetrator: What to Look for and What to do About it," Annual Juvenile Probation and Justice Management Conference (Juvenile Probation Track): National Council of Juvenile and Family Court Judges Conference, Tucson, Arizona, 2002.
48. "Conduct Disorder: Evaluation and Treatment Approaches," Plymouth, Massachusetts, 2002.
49. "Conduct Disorder: Evaluation and Treatment Approaches," Child and Adolescent Psychiatry Grand Rounds, Taunton State Hospital, Taunton, Massachusetts, 2002.
50. "Redefining the Use of Psychotropic Medications in Children and Adolescents," Kent County Mental Health Center, Warwick, Rhode Island, 2002.
51. "The Project Hope Experience: Evaluation and Treatment of Mental Health Issues in Incarcerated Juveniles," Children's Mental Health - A System of Care Approach, American Academy of Child and Adolescent Psychiatry, Boston, Massachusetts, 2002.
52. "Clinical Challenges in Child and Adolescent Psychiatry," Beaumont, Texas, 2002.
53. "Recognizing Other Psychiatric Disorders" American Academy of Pediatrics: DB:PREP An Intensive Review Course of Developmental and Behavioral Pediatrics, Providence, Rhode Island, 2002.

54. "Youth Violence: Practical Strategies for Clinicians," Family Service Association of Greater Fall River, Inc., Fall River, Massachusetts, 2002.
55. "Bullying, Beatings, and Beyond: Assessment and Treatment of Youth Violence," Grand Rounds, Department of Pediatrics, Hasbro/Rhode Island Hospital, Providence, Rhode Island, 2002.
56. "Psychotropic Medications: What They Do, What They Don't Do," Annual Rhode Island Family Court Judges' Conference, Narragansett, Rhode Island, 2002.
57. "Recognition and Management Strategies of Youth Violence for Mental Health Professionals," Child and Adolescent Psychiatry Grand Rounds, Taunton State Hospital, Taunton, Massachusetts, 2002.
58. "Suicide Prevention in Juvenile Correctional Facilities," Staff Training Program, Rhode Island Training School, Cranston, Rhode Island, 2002.
59. "The Elephant in the Room: How the Legal System Can Impact Therapy," (Discussant) Grand Rounds, Bradley Hospital, Brown University Department of Psychiatry, Division of Child and Adolescent Psychiatry, East Providence, Rhode Island, 2003
60. "Youth Violence," Bradley/Hasbro Hospitals: Parenting Matters 2003, Toll Gate High School, Warwick, Rhode Island, 2003.
61. "Identification and Treatment of Mental Health Issues in Incarcerated Youth," 8<sup>th</sup> Northeast Correctional Health Care Conference, Sturbridge, Massachusetts, 2003.
62. "Missed Opportunities and Challenges: Identifying Mental Health and Substance Abuse Issues in Today's Youth," Physician Leadership on National Drug Policy Conference: Adolescent Substance Abuse and Mental Health: A Public Health Priority, Providence, Rhode Island, 2003
63. "Evaluation and Treatment of Incarcerated Juveniles with Mental Health Issues: Challenges, Frustrations, and Solutions," Butler Hospital, Child and Adolescent Services Program Lecture Series, Providence, Rhode Island, 2003
64. "Surviving the Challenges of Juvenile Corrections: Suicide Prevention Strategies," National Conference on Correctional Health Care, Austin, Texas, 2003
64. "Redefining the Use of Psychotropic Medications in Children," Annual Meeting of the RI Chapter of the American Academy of Pediatrics, Providence, Rhode Island, 2003
65. "How Young People Become Criminals: Their Developmental Trajectories Before and After," Brown University, Behavioral Misadventures Symposium, Providence, Rhode Island, 2003

66. "Understanding and Defusing Explosive Kids," Annual Juvenile Probation and Justice Management Conference, National Council of Juvenile and Family Court Judges, Nashville, Tennessee, 2004
67. "Mixing Legal and Street Drugs: A Cocktail for Disaster," Annual Juvenile Probation and Justice Management Conference, National Council of Juvenile and Family Court Judges, Nashville, Tennessee, 2004
68. "Promising Programs: Suicide Prevention/Good Practices," 23<sup>rd</sup> Annual Juvenile Probation and Justice Management Conference, National Council of Juvenile and Family Court Judges, Nashville, Tennessee, 2004
69. "Challenging Youths, Families & Systems: Implementing Psychiatric Strategies and Risk Management Principles," Problems in Pediatrics Conference, Colby College, Waterville, Maine, 2004
70. "Acting Out Youths: Practical Evaluation & Treatment Strategies," Problems in Pediatrics Conference, Colby College, Waterville, Maine, 2004
71. Various Presentations in Developmental/Behavioral Pediatrics, American Academy of Pediatrics PREP Course: Costa Mesa, California, 2004
72. "Risky Behavior: How to Keep Youth Safe in Inpatient and Community Settings," Grand Rounds, Department of Pediatrics, Hasbro/Rhode Island Hospital, Providence, Rhode Island, 2004
73. "ADHD Co-Morbidity: Practical Evaluation and Treatment Approaches," 2004 Fall CME Conference, New York State Society of Physician Assistants, Albany, New York, 2004
74. "Behavioral Health Issues for Juvenile Offenders," 3<sup>rd</sup> Annual Behavioral Health in Corrections Conference, University of Rhode Island, Kingston, Rhode Island, 2004
75. "Redefining the Use of Psychotropic Medications for Incarcerated Juveniles," National Conference on Correctional Health Care, New Orleans, Louisiana, 2004
76. "Surviving Juvenile Corrections: Timely Suicide Prevention Strategies," National Conference on Correctional Health Care, New Orleans, Louisiana, 2004
77. "How Young People Become Criminals: Their Developmental Trajectories Before and After," Contemporary Social Work Practice, Bradley Hospital Educational Series, Bradley Hospital, East Providence, Rhode Island, 2004
78. Various Presentations in Developmental/Behavioral Pediatrics, American Academy of Pediatrics: PREP Course: Miami, Florida, 2005
79. "Forensic Mental Health Evaluations," Continuing Legal Education Program, Office of the Public Defender, Providence, Rhode Island, 2005

80. "Juvenile Suicide Risk in Congregate Care Settings, "Suicide Prevention Promises and Practices – Focus on Youth Conference, Rocky Hill, Connecticut, 2005
81. "Profile of a Columbine-Type Juvenile: What to Look for and What to Do About It," Juvenile Courts Association of Georgia 2005 Annual Seminar, Pineisle Resort at Lake Lanier, Georgia, 2005
82. Various Presentations in Developmental/Behavioral Pediatrics, American Academy of Pediatrics: PREP Course: Portland, Oregon, 2005
83. Various Presentations in Developmental/Behavioral Pediatrics, American Academy of Pediatrics: Practical Pediatrics Course: Beaver Creek, Colorado, 2005
84. "Strategies for Resident Advocacy at the State Legislature," 2<sup>nd</sup> Northeast Pediatric Resident Advocacy Conference, Hasbro Children's Hospital, Brown Medical School, Providence Rhode Island, 2005
85. Various Presentations in Forensic Psychiatry, Forensic Science Course, Law School, Universidad Francisco Marroquin, Guatemala City, Guatemala, 2005
86. "Suicide Prevention/Intervention Training," Staff Training Seminar Series, Rhode Island Training School, Cranston, Rhode Island, 2006
87. "ADHD and Juvenile Delinquency," Annual Meeting, American Society for Adolescent Psychiatry, Miami, Florida, 2006
88. "Forensic Mental Health Evaluations," Continuing Legal Education Program, Criminal Division, Office of the Attorney General, Providence, Rhode Island, 2006
89. "Assessment and Treatment of Adolescent Substance Use Disorders in Correctional Settings," National Conference on Correctional Health Care, San Diego, California, 2006
90. "Berber v. Mellott, MD: Lessons from a Medical Malpractice Mock Trial," Continuing Medical Education Program, Professional Risk Management Services, Inc., Providence, Rhode Island, 2006
91. "How to Respond to Mentally Ill and Substance-Abusing Youth in the Juvenile Justice System," 25<sup>th</sup> Annual Juvenile Probation and Justice Management Conference, National Council of Juvenile and Family Court Judges, Providence, Rhode Island, 2006
92. "Acting Out: How To Manage Difficult Adolescents," National Conference on Correctional Health Care, Atlanta, Georgia, 2006
93. "You Be the Judge: A Mock Trial Involving an Inmate's Claim," National Conference on Correctional Health Care, Atlanta, Georgia, 2006

94. "Assessment and Treatment of Court-Involved Youth in Juvenile Corrections and Other Settings: Challenges, Frustrations, and Solutions," Contemporary Social Work Practice, Bradley Hospital Educational Series, Bradley Hospital, East Providence, Rhode Island, 2006
95. "Mental Health Services for Juvenile Offenders," Grand Rounds, Department of Psychiatry, Maine Medical Center, Portland, Maine, 2007
96. "Strategies to Avoid the Courtroom – The Case for Thorough Medical Documentation," UNAP/Rhode Island Health Care Education Trust Seminar Series, Rhode Island Hospital, Providence, Rhode Island, 2007
97. "Suicide Prevention Strategies for Juveniles in Correctional Settings," Congress: Prevention of Suicidal Conduct in Incarcerated Minors, Campidoglio, Sala Della Protomoteca, Rome, Italy, 2007
98. "Assessment and Treatment of Adolescent Substance Use Disorders in Correctional Settings," National Conference on Correctional Health Care, Las Vegas, Nevada, 2007
99. "Civil Commitment of Adolescents," Rhode Island/Hasbro Hospitals Department of Pediatric Emergency Medicine, Case Conference, Providence, Rhode Island, 2007
100. "Emerging Issues in Forensic Psychiatry," St. Luke's Hospital, Department of Psychiatry, Grand Rounds, New Bedford, Massachusetts, 2007
101. Various Presentations in Forensic Psychiatry, Forensic Science Course, Law School, Universidad Francisco Marroquin, Guatemala City, Guatemala, 2007
102. "Redefining the Use of Psychotropic Medications for Incarcerated Juveniles," National Conference on Correctional Health Care, Nashville, Tennessee, 2007
103. "Lessons Learned from Inside the Fence: Juvenile Offenders, the RI Training School and Family Court Systems," Rhode Island Psychiatric Society, Providence, Rhode Island, 2007
104. "Use of Psychotropic Medications for Incarcerated Youth," Updates in Correctional Health Care, National Conference on Correctional Health Care, San Antonio, Texas, 2008
105. "Mentally Ill Juveniles," American Correctional Association, New Orleans, Louisiana, 2008
106. "Identification and Management of Juvenile Mental Disorders," National Conference on Correctional Health Care, Chicago, Illinois, 2008
107. "Identification and Management of Juvenile and Adult Mental Disorders," Texas Corrections Association, Austin, Texas, 2008
108. "Use of Psychotropic Medications Within Correctional Settings," Mental Health Managers Conference, UTMB CMC Mental Health Services, Huntsville, Texas, 2008

109. Various Presentations in Forensic Psychiatry, Forensic Science Course, Law School, Universidad Francisco Marroquin, Guatemala City, Guatemala, 2008
110. "Mental Health Services within the Texas Correctional System," National Institute of Mental Health (NIMH) and UTMB: Mental Illness, Incarceration and Community Re-Entry: Telepsychiatry and Continuity of Mental Health Care, Austin, Texas, 2008
111. "Essentials of Correctional Juvenile Health Care," Updates in Correctional Health Care: Transforming Principles to Practice, Las Vegas, NV
112. "Preventing Suicide in Corrections: Timely Collaboration Between Administration, Custody, and Clinical Staff," UTMB CMC Annual Conference, Galveston, Texas, 2009
113. "Psychotropic Medication Education for Non-Psychiatrists," UTMB CMC Mental Health Services Conference, Huntsville, Texas, 2009
114. "Malingering: Practical Evaluation and Management Approaches," UTMB CMC Mental Health Services Conference, Huntsville, Texas, 2009
115. "Assessment and Treatment of Adolescent Substance Use Disorders in Correctional Settings," Academy of Correctional Health Professionals Regional Seminar, Austin, Texas, 2009
116. "Rational Approach to Psychotropic Medications in Correctional Settings," Academy of Correctional Health Professionals Regional Seminar, Austin, Texas, 2009
117. "Behind the Bars and Razor Wire: Mental Health Disorders Within Correctional Settings," Texas Department of Criminal Justice (TDCJ) Community Justice Assistance Division (CJAD) Skills Conference, Austin, Texas, 2009
118. "Essentials of Correctional Juvenile Health Care," National Conference on Correctional Health Care, Orlando, Florida, 2009
119. "Evaluation and Treatment of Personality Disorders," Mental Health Managers Conference, UTMB CMC Mental Health Services, Huntsville, Texas, 2009
120. "Mental Health Issues of the Female Offender," Texas Corrections Association Annual Conference, Galveston, Texas, 2010
121. "Identification and Management of Adult and Juvenile Mental Health Disorders in Correctional Settings, National Conference on Correctional Health Care, Boston, Massachusetts, 2010
122. "An In-Depth Look at NCCHC's New Standards for Health Services in Juvenile Facilities," National Conference on Correctional Health Care, Las Vegas, Nevada, 2010
123. "Essentials of Correctional Juvenile Health Care," National Conference on Correctional Health Care, Las Vegas, Nevada, 2010

124. "Mental Health Formulary and Disease Management Guidelines Development and Utilization with the Texas Department of Criminal Justice," Mental Health Conference, United States Bureau of Prisons-Health Services Division, Oklahoma City, Oklahoma, 2010
125. "Competency to Assist in Immigration/Deportation Hearings: Application of Existing Competency Evaluation Models to Immigration Context (Non-Citizens with Mental Disabilities)," United States Immigration and Customs Enforcement (ICE)/Office for Civil Rights and Civil Liberties (CRCL) Mental Health Roundtable, Washington, D.C., 2010
126. "Mental Health Systems of Care, Formulary and Disease Management Guidelines Development and Utilization within the Texas Department of Criminal Justice," Forensic Best Practices Conference, Houston, Texas, 2010
127. "Juvenile Waiver and Transfer to Criminal Court," Conference Update on Juvenile Forensic Evaluations, Capacity for Justice, Austin, Texas, 2010
128. "Practicing Behind Bars: Challenges and Opportunities Within Correctional Psychiatry" Grand Rounds, UTMB Department of Psychiatry and Behavioral Sciences, Galveston, Texas, 2010
129. "Behind the Bars and Razor Wire: Mental Health Disorders within Correctional Settings" University of Texas Arlington, Annual Psychiatric Nursing Symposium, Arlington, Texas, 2011
130. "An In-Depth Look at NCCHC's New Standards for Health Services in Juvenile Facilities," National Conference on Correctional Health Care, Phoenix, Arizona, 2011
131. "Medical Conditions That Can Present as 'Psychiatric' in Nature," National Conference on Correctional Health Care, Baltimore, Maryland, 2011
132. "An In-Depth Look at NCCHC's New Standards for Health Services in Juvenile Facilities," National Conference on Correctional Health Care, Baltimore, Maryland, 2011
133. "Containing Your Psychotropic Medication Expenses: Strategies for Formulary Development and Implementation," American Correctional Association, Phoenix, Arizona, 2012
134. "Child and Adolescent Forensic Psychiatry," International Conference on Forensic Psychiatry, Santiago, Chile, 2012
135. "An In-Depth Look at NCCHC's 2008 Standards for Health Services in Prisons and Jails, National Conference on Correctional Health Care, San Antonio, Texas, 2012
136. "Acting Out" Offenders: Implementing Mental Health/Psychiatric Strategies and Risk Management Principles, National Conference on Correctional Health Care, San Antonio, Texas, 2012



137. "Save Pharmacy Dollars: Contain Your Psychotropic Medication Use and Expenses" American Correctional Association, Denver, Colorado, 2012
138. "Practicing Behind Bars: Challenges and Opportunities within Correctional Psychiatry" Grand Rounds, Keck School of Medicine of the University of Southern California, Department of Psychiatry, Los Angeles, California, 2012
139. "Review of NCCHC's Standards for Health Services in Juvenile Facilities," National Conference on Correctional Health Care, Las Vegas, Nevada, 2012
140. "Medical Conditions That Present as 'Psychiatric' in Nature," National Conference on Correctional Health Care, Las Vegas, Nevada, 2012
141. "Mad Versus Bad Offenders: Implementing Mental Health Strategies and Risk Management Principles," National Conference on Correctional Health Care, Las Vegas, Nevada, 2012
142. "Contain Your Psychotropic Medication Use and Expenses," American Correctional Association, Houston, Texas, 2013
143. "Evaluation and Management of Juvenile Offenders," American Correctional Association, Houston, Texas, 2013
144. "Integrating Mental Health and Medical Issues in the Complex Environment of Corrections," Society of Correctional Physicians, Denver, Colorado, 2013
145. "Update on NCCHC Standards," National Institute on Corrections (NIC), U.S. Department of Justice, State Directors of Mental Health Network meeting, National Advocacy Center, Columbia, South Carolina, 2013
146. "Identification and Prevention of Suicide and Self Injurious Behaviors in Correctional Settings," American Association of Suicidology, Austin, Texas 2013
147. "'Acting Out' Adolescents: Pearls for Effective Evaluation and Management," American Correctional Association, National Harbor, Maryland, 2013
148. "Preventing Suicide Behind Bars: Real World Approaches," American Correctional Association, National Harbor, Maryland, 2013
149. "DSM-5: An Overview and Its Impact on Correctional Mental Health," UTMB CMC Annual Conference, Galveston, Texas, 2013
150. "Overview of UTMB CMC Mental Health Services," Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) Advisory Committee, Austin, Texas, 2013
151. "An In-Depth Look at NCCHC's 2014 Standards for Health Services in Prisons," National Conference on Correctional Health Care, Nashville, Tennessee, 2013

152. "Institutional Self-Injury: Managing the Self-Destructive Juvenile," National Conference on Correctional Health Care, Nashville, Tennessee, 2013
153. "Medical Conditions That Present as Psychiatric in Nature," National Conference on Correctional Health Care, Atlanta, Georgia, 2014
154. "Guidelines for Treatment of Adolescents with ADHD," National Conference on Correctional Health Care, Atlanta, Georgia, 2014
155. "Correctional Psychiatry: The Final Frontier of Psychiatry," Psychiatry Grand Rounds, John Peter Smith (JPS) Health Network, Fort Worth, Texas, 2014
156. "DSM 5: What Pediatricians Need to Know," "Psychopharmacology in Primary Care: Practical Strategies," "Adolescent Substance Abuse," and "Adolescent Suicide and Self-Injurious Behaviors," American Academy of Pediatrics: Practical Pediatrics CME Course, Hilton Head, South Carolina, 2014
157. "Mental Health Issues of Female Offenders," and "Update on NCCHC Standards," National Institute on Corrections (NIC), U.S. Department of Justice, State Directors of Mental Health Network meeting, National Corrections Academy, Aurora, Colorado, 2014
158. "Correctional Psychiatry: The Final Frontier of Psychiatry?" Grand Rounds, UTMB Department of Psychiatry and Behavioral Sciences, Galveston, Texas, 2014
159. "Mental Health Issues of the Female Offender," American Correctional Association, Salt Lake City, 2014

## GRANTS

1. Penn (PI) 1/1/02-1/1/03  
"Incidence of Suicide Attempts and Self-Injurious Behavior in a Juvenile Correctional Facility." Source: American Academy of Child and Adolescent Psychiatry, Eli Lilly and Company. \$ 9,000.  
Role: Principal Investigator
2. Penn (PI) 1/1/03-5/31/04  
"Correlates of Suicidal Behavior in Incarcerated Juveniles." Source: Lifespan Developmental Grant, Lifespan. \$ 29,451.  
Role: Principal Investigator
3. Penn (PI) 6/30/04-12/31/05  
"Liability Prevention for Hasbro Hospital Staff: Practical Strategies for Youths with Mental Health and Substance Abuse Issues." Source: Lifespan Risk Management, Lifespan. \$12,200.  
Role: Principal Investigator

4. 5K23DA021532 (PI: Tolou-Shams, Ph.D.) 2/1/08-1/13/13  
"HIV Prevention in the Family Drug Court." Source: National Institute of Drug Abuse (NIDA)  
Role: Consultant

#### UNIVERSITY TEACHING ROLES

- Brown University, Residency in Psychiatry, 1995: "Effective Documentation and Medical Record Strategies for Psychiatrists," New Residents' Seminar Series (single seminar).
- Brown University, Residency in Psychiatry, 1995: "Antipsychotics: An Introduction and Rational Clinical Approach," New Residents' Seminar Series (single seminar).
- Brown University, Residency in Psychiatry, 1995: "Cultural Psychiatry," PG-3 Seminar Series, Seminar Leader (weekly seminars).
- Brown Medical School, 1997: "Biomed 278: Introduction to Clinical Psychiatry," Small Group Leader, (weekly meetings).
- Brown University, Residency in Psychiatry, 1997: " PG-2 Seminar: Mood Disorders in Children and Adolescents" (single seminar).
- Brown University, Residency in Child and Adolescent Psychiatry, 1998: "Children's Testimony in Court: Roles of the Expert Witness and Videotaped Interviews," Child and Adolescent Forensic Psychiatry Seminar Series, (single seminar).
- Yale University Law School, Disabilities Clinic, 1999: "Introduction to Child and Adolescent Psychopharmacology," (single seminar).
- Brown University, Residency in Child and Adolescent Psychiatry, 1999-2008: "Risk Assessment of Youth Violence," Child Psychiatry Boot Camp Seminar Series, (single seminar).
- Brown University, Residency in Child and Adolescent Psychiatry, 1999-2008: "Rhode Island Mental Health Law," Child Psychiatry Boot Camp Seminar Series, (single seminar).
- Brown University Residency in Psychiatry, 1999: "Introduction to Child and Adolescent Forensic Psychiatry," PG-3 Resident Seminar, (single seminar).
- Brown University, Residency in Child and Adolescent Psychiatry, 1999: Community Mental Health Center Rotation, Family Health Center at SSTAR, Fall River, Massachusetts, Clinical Supervisor, (weekly clinic and supervision).
- Brown University, Residency in Child and Adolescent Psychiatry, 1999-2008: Clinical Supervisor, Brown University Child Psychiatry Forensic Psychiatry Elective, (weekly supervision)

Joseph V. Penn, MD CCHP FAPA Curriculum Vitae

- Brown University Residency in Psychiatry, 2000-2001: "Disruptive Disorders, Antisocial Behaviors, and Legal Issues," PG-2 Resident Seminar, (single seminar).
- Brown University, Residency in Child and Adolescent Psychiatry, 2000-2008: "Child and Adolescent Forensic Psychiatry" Seminar Leader, (four seminars).
- Brown University, Residency in Child and Adolescent Psychiatry, 2001-2002: Clinical Supervisor, Community Mental Health Center Rotation, Kent County Mental Health Center, Warwick, Rhode Island, (weekly clinic and supervision).
- Brown University, Residency in Child and Adolescent Psychiatry, 2001-2008: Clinical Supervisor, Forensic/Juvenile Justice Rotation, Rhode Island Training School, Cranston, Rhode Island, (daily and weekly clinics and supervision).
- Brown Medical School, 2002-2008: Clinical Supervisor for 3<sup>rd</sup> and 4<sup>th</sup> year medical students, Longitudinal elective, 4<sup>th</sup> year elective, and psychiatry rotation, Rhode Island Training School, Cranston, Rhode Island, (daily and weekly clinics and supervision).
- Brown University Residency in Psychiatry, 2002-2003: Tutor-Advisor to Nada Milosavljevic, M.D., J.D., PG-2 Psychiatry Resident
- Brown University Residency in Psychiatry, 2003: "Bullying, Beatings, and Beyond: Assessment and Treatment of Youth Violence," Noon Seminar, (single seminar).
- Brown University Post-Doctoral Juvenile Forensic Psychology Training Program, 2003-2008: Core Supervisor and Seminar Leader
- Brown University Psychology Intern and Post-Doctoral Fellowship Training Program, Child Track Seminar Series Presenter, 2004-2008: "The Law and Psychiatry/Psychology" (single seminar).
- Brown University Residency in Psychiatry, 2004-2008: "Risk Assessment of Potentially Violent Juveniles," PG-3 Resident Seminar, (single seminar).
- Brown University Residency in Psychiatry, 2004-2008: "Divorce, Custody and Visitation Issues: The Psychiatrist Facing Court Systems," PG-2 Resident Seminar, (single seminar).
- Brown University Residency in Child and Adolescent Psychiatry, 2005-2008: "Evaluation and Treatment of Conduct Disorder," Child and Adolescent Psychiatry Developmental Psychopathology Seminar Series, (single seminar).
- UTMB Department of Psychiatry and Behavioral Sciences, Residency in Psychiatry, 2008-present: "Opportunities and Challenges within Correctional and Forensic Psychiatry," (single seminar).
- UT Health Science Center at Houston, Department of Psychiatry and Behavioral Sciences, Residency in Child Psychiatry, 2008-present: "Juvenile Correctional Mental Health Services in Texas," (single seminar).

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UTMB Department of Psychiatry and Behavioral Sciences, Residency in Psychiatry, 2010-present: "Suicide Prevention and Litigation: Timely Risk Management Approaches," Forensic Psychiatry Seminar Series, (single seminar).

#### HOSPITAL TEACHING ROLES

Butler Hospital, 1993-1996: Seminar Leader, Various Psychiatry Topics, Brown University Medical Students' Psychiatry Clerkship, (multiple seminars).

Rhode Island Hospital, 1995: Psychiatry Preceptor and Consultant to Internal Medicine Housestaff Clinic, (twice weekly clinic).

E. P. Bradley Hospital, 1997: Adolescent Program Training, "The Use of Antipsychotics in Adolescents," (one seminar).

**Joseph V. Penn, MD CCHP FAPA**

**Testimony**

Revised 9/27/14

**2014**

Estate of Matthew LaPadula v. Dr. Jordan Lieberman, Central Regional Director of Psychiatry, in his administrative capacity, Superior Court of New Jersey, Mercer County. Deposition, Houston, Texas, Accepted Standards of Care and Administrative Management

State of Rhode Island v. Matthew Komrowski, Rhode Island Superior Court, Providence, Rhode Island, Competency to Stand Trial, (RIRE 706 Court Appointed Expert)

Victor Parsons; et al., on behalf of themselves and all others similarly situated, and Arizona Center for Disability Law v. Charles Ryan, Director, Arizona Department of Corrections; and Richard Pratt, Interim Division Director, Division of Health Services, Arizona Department of Corrections, in their official capacities: U.S. District Court, District of Arizona, Phoenix, Arizona. Deposition, Phoenix, Arizona. Arizona Department of Corrections State Prisoners: Unconstitutional Conditions of Confinement, Access to and Provision of Clinically Appropriate and Individually Determined Mental Health Evaluation and Treatment Services, Mental Health Intake Health Screening and Procedures, Mental Health and Psychiatric Evaluation and Treatment Services, Other Mental Health Policies and Procedures, Mental Health and Psychiatric Staffing, Suicide Prevention Policy and Procedures, Audits and Compliance Reports, Access to Mental Health and Psychiatric Care

**2013**

Chanda Hughes, et al. v. Grady Judd, Polk County Sheriff, in his official capacity; and Corizon Health, Inc.: U.S. District Court, Middle District, Tampa, Florida. Depositions, Houston, Texas, Lakeland, Florida, and Tampa, Florida. Polk County Jail Detained Juveniles and Juveniles Being Certified as Adults: Unconstitutional Conditions of Confinement: Failure to Provide Rehabilitative Services to Juveniles, Failure to Protect from Harm, Unlawful Use of Dangerous Chemical Restraints, Punitive Isolation and Suicide Prevention Policies, Deliberate Indifference to Children with Mental Illness, and Harmful Use of Isolation without Due Process

State of Rhode Island v. Jeremy Kerrigan, Rhode Island Family Court, Providence, Rhode Island, Future Dangerousness

**2012**

Regina Jackson and Rudolf Williamson, Individually, and on Behalf of the Estate of Rachel Jackson, Deceased v. John S. Ford, M.D., and Travis County, Texas, et al., U.S. District Court, Austin, Texas, Medical Malpractice

**2008**

Raymond, et al. v. Peggy Gloria, State of Rhode Island, Department of Children, Youth, and Families, et al.; Deposition, Providence, Rhode Island, Psychic Harm

### **2007**

Manuel Delgado v. State of Rhode Island, Superior Court, Providence, Rhode Island, Post Conviction Relief

State of Rhode Island v. Tonya Fuller-Balletta, Superior Court, Providence, Rhode Island, Criminal Responsibility

### **2005**

In Anthony Rebello et al v. Archdiocese of Providence et al.; Binding Arbitration Hearing, Providence, Rhode Island, Mental Harm

### **2003**

In Russell Jette, Charis Jette, and Cindy Jette v. Town of Burrillville, Burrillville Middle School, Burrillville School Committee and School Systems, Burrillville Police Department, et al., U.S. District Court, Providence, Rhode Island, Mental Harm

In RE: Mark Entwistle, Town of Narragansett Rhode Island Pension Board, Narragansett, Rhode Island, Independent Psychiatric Evaluation

In RE: Bleaker Okubanjo, Rhode Island Family Court, Providence, Rhode Island, Psychotropic Medications and Treatment Recommendations

### **2001**

State of Connecticut v. Michael Griffin, Superior Court, New Haven, Connecticut, Criminal Responsibility

### **2000**

In RE: Joseph Costa, Rhode Island Family Court, Providence, Rhode Island, Competence to Stand Trial

State of Connecticut v. Loren Singleton, Superior Court, Bridgeport, Connecticut, Criminal Responsibility

Edward and Eugene Lee v. St. Aloysius, Rhode Island Department of Children, Youth, and Families (DCYF), et al.; Superior Court, Providence, Rhode Island, Mental Harm

In RE: Kelly Murillo, Child Protection Session, Superior Court for Juvenile Matters, Middletown, Connecticut, Termination of Parental Rights

### **1999**

In RE: Kelly Murillo, Superior Court for Juvenile Matters, Stamford, Connecticut, Parental Visitation

State of Connecticut v. Charlene Baines, Competence to Stand Trial

State of Connecticut v. Nunzio Guerrara, Competence to Stand Trial

State of Connecticut v. David Cocciaro, Competence to Stand Trial

U.S. Congressional Committee, Children's Caucus, Washington, DC, Panel on School Violence/Recent School Shootings

State of Connecticut v. Clifton Powell, Competence to Stand Trial

State of Connecticut v. Reynaldo Riviera, Competence to Stand Trial

State of Connecticut v. Carmelo Cumba, Connecticut Psychiatric Security Review Board,  
Middletown, Connecticut, Risk Assessment and Placement and Treatment  
Recommendations

State of Connecticut v. Scott Cadwell, Competence to Stand Trial

State of Connecticut v. David Brown, Competence to Stand Trial

State of Connecticut v. Raymond Bresnahan, Competence to Stand Trial

State of Connecticut v. Ernest Juliano, Competence to Stand Trial

State of Connecticut v. Jose Torres, Competence to Stand Trial

State of Connecticut v. Stanley Smith, Competence to Stand Trial

State of Connecticut v. Wayne McClellan, Competence to Stand Trial

### **1998**

State of Connecticut v. Dean Allen, Competence to Stand Trial

State of Connecticut v. Edward Tennaro, Competence to Stand Trial

State of Connecticut v. Robert Devito, Competence to Stand Trial

State of Connecticut v. Jose Alvarado, Competence to Stand Trial

State of Connecticut v. John Parks, Competence to Stand Trial

State of Connecticut v. Thaxton Oden, Competence to Stand Trial

State of Connecticut v. Ramon Soto, Competence to Stand Trial

State of Connecticut v. Heather Verab, Competence to Stand Trial

State of Connecticut v. Shirley Gamble, Competence to Stand Trial

State of Connecticut v. Clive Bifield, Competence to Stand Trial

State of Connecticut v. Joseph Edwards, Competence to Stand Trial

State of Connecticut v. Clarence Lane, Competence to Stand Trial

### **1996**

State of Rhode Island v. Arzalie Stewart, Civil Commitment and Forced Medication

State of Rhode Island v. Michael Villuci, Civil Commitment and Forced Medication

State of Rhode Island v. Paul Hollister, Civil Commitment and Forced Medication